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April	17, 1998 - Issue 16: Through	March	31, 1998
July	17, 1998 - Issue 29: Through	June	30, 1998
October	16, 1998 - Issue 42: Through	September	30, 1998
January	15, 1999 - Issue 3: Through	December	31, 1998 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before 4:30 p.m. on:	Will be in Issue #:	Published on:
July 13, 1998	30	July 24, 1998
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Dec. 21, 1998	1	Jan. 4, 1999
Dec. 28, 1998	2	Jan. 8, 1999

***Please note: If the state holiday falls on a Monday, the deadline will be 12 noon on Tuesday (the next day).**

Printed by authority of the State of Illinois
September 1998 – 700 – GA-168

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3)

Section Numbers:	Proposed Action:
240.260	Amendment
240.400	Amendment
240.410	Amendment
240.480	Amendment
240.715	Amendment
240.1010	Amendment
240.1440	Amendment
240.1535	Amendment
240.1610	Amendment
240.1650	Amendment
240.1655	Repealed
240.1660	Amendment
240.1661	Amendment
240.1665	Amendment
240.1720	Amendment
240.1800	Amendment

4) Statutory Authority: 20 ILCS 105/4.01(11) and 5.02

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to address miscellaneous Community Care Program corrections and/or edits needed throughout the rulemaking. This rulemaking will also address revisions in the appeal, assessment scoring, procurement and program review Sections.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
240.230	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1510	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1520	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1550	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1555	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1560	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1565	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1580	Amendment	June 12, 1998 (22 Ill. Reg. 9623)

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240.1605	Amendment	June 12, 1998 (22 Ill. Reg. 9623)
240.1930	Amendment	June 12, 1998 (22 Ill. Reg. 9623)

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the *Illinois Register*, to:

Ms Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

The amendments will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Community Care Program Case Coordination Units, Adult Day Service and Homemaker Providers

B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program

C) Types of professional skills necessary for compliance: Professional skills commensurate with the Community Care Program

13) Regulatory Agendas on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at

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16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: SERVICE DEFINITIONS

Section 240.260 Case Management Service

Case management **Management** service is defined as the provision of a ~~comprehensive~~ needs assessment and service coordination by Case Coordination Units (CCUs) to assist an older person to gain access to and receive needed services.

a) Service Components
Specific components of case management service include the following:
1) Review of all inquiries to determine if application for Community Care Program (CCP) services is desired, and maintenance of an application request ~~inquiry~~ log.
2) Distribution, and assistance with completion of Community Care Program applications.
3) Performance of determinations/redeterminations of eligibility, including a needs assessment ~~comprehensive assessments~~, plan of care development, and authorization of CCP services.
4) Availability to receive client inquiries and requests, by telephone or in person, and respond to such inquiries and requests.
5) Nursing facility ~~home~~ prescreenings, see Section 240.1010 of this Part.
6) Department of Human Services OBRA-1 ~~Department of Mental Health and Developmental Disabilities (DMHDD)~~ (Level I ID Screen)~~identification screenings~~.
7) Provide referrals to other needed services.
8) Implementation of services and client transfers.
9) Authorization of all actions related to the disposition of CCP services as required by CCP rules 240.100 through 240.2050 of this Part.

b) Unit of Service
Several different types of assessments ~~units~~ constitute a case management unit of service ~~services~~ for which reimbursement is made.
1) Completion of one initial eligibility determination for Community Care Program services constitutes one unit.
2) Completion of one required continuous eligibility ~~annual~~ redetermination of Community Care Program eligibility ~~within the fiscal year~~ constitutes one unit. A redetermination shall be completed at least annually.
~~3) Completion of one interim redetermination of eligibility:~~
~~A) following an initial eligibility determination, if conducted within the same fiscal year; or~~
~~B) following an annual redetermination of eligibility if conducted within the same fiscal year.~~
3)~~4)~~ Completion of one face-to-face prescreening of an applicant constitutes one unit.
4)~~5)~~ Completion of one Department of Public Aid Interagency Certification of Results - Determination of Imminent Risk form ~~Form~~, following prescreening by hospital discharge staff constitutes one unit.
5)~~6)~~ Availability to receive client inquiries and requests, by telephone or in person, and to respond to such inquiries and requests for each active client per month constitutes one unit.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: APPEALS

Section 240.400 Appeals and Fair Hearings

a) Any individual who applies for or receives Community Care Program (CCP) services of any kind has the right to appeal a decision, action or inaction of the Department, a Case Coordination Unit (CCU) or a provider. If the decision, action or inaction is based on an automatic change in eligibility, rates or benefits required by Federal or State law which adversely affects some or all clients, the appeal will be automatically denied and the individual will not be afforded a hearing. The applicant/client/authorized representative shall be

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notified of his/her right to appeal by the CCU at the time the applicant/client/authorized representative is notified of the action taken. The individual shall be given an explanation of the right to appeal at the time of the initial home visit and upon request. A copy of the rights and responsibilities of a CCP applicant/client (including an explanation of the right to appeal) shall be provided in written format to all applicants/clients/authorized representatives during the initial home visit for determination of eligibility and upon request.

b) It shall be the responsibility of the applicant/client/authorized representative to advise the Department of his/her intent to appeal.

c) The effective date of the appeal is the date on which an applicant/client/authorized representative indicates to the Department the intent to appeal either by telephone or in writing.

d) If the Department is advised of the intent to appeal either by letter or by telephone, the Department shall, within two ~~2~~ work days, send to the appellant a Notice of Appeal to Department on Aging form to be completed and signed by the appellant/authorized representative.

e) The written notice of appeal must be filed with the Department on a Notice of Appeal to Department on Aging form and shall be completed and executed by the appellant/authorized representative and returned to the Department.

f) The executed Notice of Appeal to Department on Aging form must be submitted to the Department at the following address:

Illinois Department on Aging
Division of Long Term Care
421 East Capitol Ave., #100 ~~Post Office Box 60~~
Springfield, Illinois 62701-1789 ~~62705~~

g) No later than ten ~~10~~ work days from the date of receipt of Notice of Appeal to Department on Aging form, the Department shall acknowledge receipt thereof to the appellant/authorized representative, and shall send copies of said acknowledgement to all parties to the appeal.

h) The written Notice of Appeal to Department on Aging shall include the following:

1) the name, address and telephone number of the applicant/client filing the appeal, or on whose behalf the appeal is filed; and
2) the name, address, and telephone number of the authorized representative, if any, filing the appeal on behalf of the applicant/client; and
3) the specific action being appealed, including the date of notice advising the applicant/client/authorized representative of the action appealed and the effective date of that action; and
4) the name of the Case Coordination Unit as indicated on the notice of the action being appealed.

i) Effective April 1, 1992, Case Coordination Units are to provide a copy of any notice of adverse action to any applicant's/client's authorized

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representative, if the client has earned ten ~~10~~ points on the Mini-Mental State Examination (MMSE). If the authorized representative is a family member residing with the client, the single notice to the client will suffice.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.410 When the Appeal May Be Filed

a) The right to appeal must be exercised within ~~sixty (~~ 60~~)~~ calendar days from the date the notice of the action being appealed was sent to the applicant/client advising the action being taken by the Case Coordination Unit (CCU) such as:

1) the date the notice was sent by a CCU of a decision on an application; or
2) the date the notice was sent by a CCU or the Department of a reduction or termination of Community Care Program (CCP) services; or
3) the date the notice was sent by a CCU or the Department of denial of a request or other action which aggrieves the applicant/client, when that denial or action was other than an application decision or a decision to reduce or terminate services.

b) If a notice of appeal is filed after the ~~sixty (~~ 60~~)~~ calendar day time period, the right to appeal is not affected. However, the final administrative decision of the Department will not be favorable to the appellant if it is determined that the ~~sixty (~~ 60~~)~~ calendar day time period applies to the situation and has expired.

c) The ~~sixty (~~ 60~~)~~ calendar day time limitation does not apply when:

1) a CCU or the Department fails to send the required written notification of the action taken which is being appealed; or
2) a CCU or the Department fails to allow ~~fifteen (~~ 15~~)~~ calendar days from the date of the notice to the effective date of the action appealed; or
3) a CCU, provider ~~/vendor~~ or the Department fails to take any action on a specific request made by an applicant/client within ~~fifteen (~~ 15~~)~~ calendar days from the date of request as required in Section 240.1520 of this Part; or
4) a CCU, provider ~~/vendor~~ or the Department denies a request without informing the applicant/client in writing within ~~fifteen (~~ 15~~)~~ calendar days from the date of request as required in Section 240.1520 of this Part; or
5) a CCU or provider ~~vendor~~ failed to advise the applicant/client of the right to appeal; or
6) a CCU or provider ~~vendor~~ has violated CCP rules.

d) If an applicant/client/authorized representative advised the Department by telephone of his/her intent to appeal and subsequently

files a written appeal with the Department, the date of the documented telephoned intent shall be the date of filing of the appeal.

e) If the intent to appeal by or on behalf of a client is filed within ~~ten-(~~ 10~~)~~ calendar days from the date of the notice of adverse action (refer to Section 240.160 of this Part) and is followed by a written appeal as requested by the Department, Community Care Program services shall be continued at the level in effect prior to the notice of adverse action until the final decision in the appeal is reached. The client/authorized representative and all other interested parties to the appeal shall be notified in writing by the Department of the continuation of the client's services at the previous level. If the Department determines that the health, safety or welfare of the provider~~vendor~~/direct services worker shall be jeopardized if service is continued (refer to Section 240.350 of this Part ~~(b)(1)~~), the client's right to continued service may be denied until the appeal decision is reached.

f) Services shall not be continued during the appeal process for an individual receiving interim services. Those individuals receiving interim services have not received full eligibility for the Community Care Program, have applicant status only, and are presumed eligible until a full determination of eligibility has been completed.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.480 The Appeal Decision

a) The decision resulting from the appeal shall be made in writing no later than ~~ninety-(~~ 90~~)~~ calendar days from the close of the hearing record ~~effective--date-of-the-appeal-extended-by-any-delays-caused-by the-appellant~~. The appellant/authorized representative and all other parties to the appeal shall be notified by sending to them a copy of the decision by United States mail. The decision shall be made by applying Department rules to the particular case situation. Appeals shall be considered on a case by case basis.

b) The Final Administrative Decision shall be issued by the Director of the Department and it shall either:
   1) uphold or modify the Hearing Officer's recommendation in the appeal;
   2) not uphold the Hearing Officer's recommendation; or
   3) determine a lack of Department jurisdiction.

c) The decision shall instruct the vendor/Case Coordination Unit (CCU)/Department to take corrective action as appropriate. In the event that the applicant/client who is a party to the appeal purchased services not provided by the vendor during the period in which the appeal was conducted, the Department will reimburse the applicant/client under the following conditions:
   1) the decision rendered by the Department is in favor of the applicant/client in whose behalf the appeal was taken; and
   2) either:
      A) the appeal was filed based upon the denial of an application; or
      B) ~~3)~~ the appeal was filed as the result of discontinuance of services due to the failure of the client to make payment of incurred expense for care as assessed in accordance with Sections 240.855 and 240.870 of this Part.

d) Payment shall be authorized only for the level, type and amount of services for which payment would have been made through the Community Care Program during the same time period. Payment shall not exceed the amount which would have been paid through the Community Care Program for the same services.

e) The decision resulting from the appeal and the recorded transcript shall become a part of the record of the appeal.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section 240.715 Determination of Need

a) To be eligible to receive Community Care Program (CCP) services, an individual shall exhibit a need for long term care. The Determination of Need, a standardized form, specifies the factors which together determine the individual's need for long term care.

b) The need for long term care is based upon the determined need for a continuum of in-home and community-based services to prevent inappropriate or premature placement in an institutional long term care facility.

c) The extent and degree of an applicant's/client's need for long term care shall be determined on the basis of impaired cognitive and functional status as well as the available physical/environmental supports provided to the applicant/client by family, friends or others in the community.

d) The Determination of Need consists of two parts:
   1) The Mini-Mental State ~~Status~~ Examination (Folstein, Folstein and McHugh, 1975, no later editions or amendments included) measures cognitive functioning of the applicant/client.
      A) The applicant/client who receives a score equal to or more ~~less~~ than 21 ~~ten~~ shall be considered to be cognitively intact and zero points shall be added to the Part A, Level of Impairment, score on the Determination of Need.
      B) The applicant/client who receives a score of 20 ~~11~~ or less ~~more~~ or who has been diagnosed by a physician or psychiatrist as having dementia, Alzheimer's disease, or organic brain syndrome shall be considered to be cognitively

impaired and ten points shall be added to the Part A, Level of Impairment, score on the Determination of Need.

C) Ten additional points shall be added to the Part A, Level of Impairment, score on the Determination of Need for the applicant/client who meets the following three criteria:

i) Applicant/client has been adjudicated disabled or incompetent by a Probate Court judge or judge assigned to render a decision on such matters in a court of competent jurisdiction; and

ii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client suffers from Alzheimer's disease, organic brain syndrome, or dementia; and

iii) a physician or psychiatrist licensed by the State of Illinois has certified that in his/her professional judgement the applicant/client requires 24-hour home and community-based services to remain in the home.

2) The Determination of Need measures the applicant's/client's ability to perform the following activities of daily living (ADLs) and instrumental activities of daily living (IADLs):

A) Activities of Daily Living

i) Eating
ii) Bathing
iii) Grooming
iv) Dressing
v) Transferring
vi) Incontinence

B) Instrumental Activities of Daily Living

i) Preparing meals
ii) Being alone
iii) Telephoning
iv) Managing money
v) Routine health
vi) Special health
vii) Outside home
viii) Laundry
ix) Housework

e) The Determination of Need scale includes the six ADLs and nine IADLs identified. Each function is scored in two parts: Part A - Level of Impairment, and Part B - Unmet Need for Care.

1) Part A, Level of Impairment, of the Determination of Need measures the ability of the applicant/client to perform each ADL and IADL function. A scoring range of zero through three indicates the degree of impairment of the applicant/client in the performance of ADLs and IADLs.

A) A score of zero for any function indicates that the applicant/client performs or can perform all essential

components of the activity, with or without an existing assistive device, such that:

i) no significant impairment of function remains; or
ii) activity is not required by the applicant/client (routine health and special health only); or
iii) the applicant/client may benefit from but does not require supervision or physical assistance.

B) A score of one for any function indicates that the applicant/client performs or can perform most essential components of the activity, with or without an existing assistive device, but some impairment of function remains such that the applicant/client requires some supervision or physical assistance to accomplish some or all components of the activity. This includes the applicant/client who:

i) experiences minor, intermittent fatigue in performing the activity; or
ii) takes longer time to accomplish than an unimpaired person requires; or
iii) must perform the activity more frequently than an unimpaired person.

C) A score of two for any function indicates that the applicant/client cannot perform most of the essential components of the activity, even with an existing assistive device, and requires a great deal of assistance or supervision to accomplish the activity. This includes the applicant/client who:

i) experiences frequent fatigue in performing the activity; or
ii) takes an excessive amount of time to perform the activity; or
iii) must perform the activity much more frequently than an unimpaired person.

D) A score of three for any function indicates that the applicant/client cannot perform the activity and requires someone to perform the task, although the applicant/client may be able to assist in small ways, or requires constant supervision.

2) Part B, Unmet Need for Care, of the Determination of Need measures the need of the applicant/client for assistance/performance/supervision for each ADL and IADL function which is not being met by non-CCP resources in the community (e.g., family, friends, local services).

A) A score of zero for any function indicates that there is no impairment, or that the applicant's/client's need for assistance is met to the extent that the applicant/client is at no risk to health or safety if additional assistance is not acquired, or that additional assistance will not benefit the applicant/client, or that the applicant's/client's needs

are being met by non-CCP resources and, therefore, the applicant/client has no need for assistance.

B) A score of one for any function indicates that the applicant's/client's need for assistance is met most of the time, but the applicant's/client's health and safety are at minimal risk if additional assistance is not acquired.

C) A score of two for any function indicates that the applicant's/client's need for assistance is not met most of the time and the applicant's/client's health and safety are at moderate risk if additional assistance is not acquired.

D) A score of three for any function indicates that the applicant's/client's need for assistance is rarely, or never, met and the applicant's/client's health and safety are at severe risk, which would require acute medical intervention, if additional assistance is not acquired.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART J: SPECIAL SERVICES

Section 240.1010 Nursing Facility Screening

a) Nursing facility prescreening is the assessment of the need for long term care placement of all individuals age 60 or over, regardless of the payment source, prior to placement in a nursing facility. Except as indicated in subsections (g) and (h) of this Section, any individual seeking admission to a nursing facility must be screened to determine his or her need for nursing facility services pursuant to this Section. For the purposes of this Section, "nursing facility" means a location licensed under the Nursing Home Care Act [210 ILCS 45], or a location certified to participate in the Medicare program under Title XVIII of the Social Security Act (42 USC 301 et seq.) or the Medicaid program under Title XIX of the Social Security Act.

b) Prescreening shall be accomplished by the administration of the Community Care Program (CCP) Determination of Need, completion of the Illinois Department of Public Aid Interagency Certification of Results - Determination of Imminent Risk ~~(BPA-ICR)~~, and completion of an Illinois Department of Human Services (DHS) ~~Mental--Health---and Developmental--Disabilities--(DMHDD)~~ Level I ID Screen ~~identification screening~~ if the individual is determined appropriate for nursing facility placement. Prescreening may occur:

1) when hospital discharge planners have advised the CCU of the imminent risk of nursing facility placement of a patient who meets the above criteria and in advance of discharge of the patient; or

2) when a CCU has been advised of the imminent risk of nursing facility placement of an individual in the community.

c) A CCU must complete a ~~BPA-ICR~~ form within two calendar ~~work~~ days from the receipt of advice of imminent risk discharge from a hospital or admission from the community.

d) Responsibility for prescreenings shall be vested in the CCUs. However, CCUs may delegate authority to perform prescreenings to hospital discharge planners/social workers who have received training by the Department (refer to Section 240.740 of this Part), regularly attend required ongoing training, and who, in the professional judgement of the CCU, are qualified and approved to administer the CCP Determination of Need.

e) The individual who is prescreened shall:

1) be informed, of all appropriate options including nursing facility, in-home and community-based services; and

2) be advised of his/her right to refuse nursing facility, in-home, community-based, or all services.

f) Postscreening shall occur if an individual is admitted to a nursing facility without benefit of prescreening. Postscreening may occur:

1) after nursing facility placement in an emergency situation. The CCU shall conduct prescreening within 15 calendar days from the date of the request for postscreening;

2) for nursing facility admissions from a hospital emergency room, outpatient services, or an out-of-state hospital.

g) Nursing facility prescreening does not apply to the following:

1) Transfers from one nursing facility to another.

2) Admissions to a continuing care retirement community with which the individual has a Life Care contract.

3) Admissions to hospice.

4) Returns to a nursing facility from a hospital.

5) Admissions to a nursing facility from the community for respite care for a period of no more than 15 days.

6) Admissions to sheltered care facilities.

7) Individuals who resided in a nursing facility on June 30, 1996.

8) Individuals who resided in a nursing facility for a period of at least 60 calendar days who are returning to a nursing facility after an absence of not more than 60 calendar days.

h) Any individual who has been admitted to a nursing facility that operates under the Hospital Licensing Act [210 ILCS 85], or provider licensed under Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35], whose actual length of stay in such facility exceeds 21 days, shall be screened to determine the individual's need for continued services.

i) Nursing facility conversion screening is the assessment of the appropriateness of in-home and community-based care for nursing facility residents age 60 or over who have applied for and been found eligible for Medicaid assistance.

1) Conversion screens shall be initiated by a referral from the Illinois Department of Public Aid.

2) Conversion screens shall be accomplished in accordance with

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deinstitutionalization (refer to Section 240.1960(g) of this Part).

3) Conversion screens shall include the option of CCP transitional services for those individuals who are appropriate for in-home and community-based services.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART N: CASE COORDINATION UNITS

Section 240.1440 Training Requirements For Case Management Supervisors and Case Managers

Case Coordination Units (CCUs) in the performance of their Community Care Program (CCP) contract, shall adhere to the following training requirements immediately upon adoption of this Section regardless of whether a procurement has occurred pursuant to 89 Ill. Adm. Code 220.610 et seq.

a) Case Management Supervisors

1) Either prior to or within 60 ~~sixty~~ calendar days from the date of employment with the ~~Case--Coordination--Unit-(~~ CCU~~)~~, each case management supervisor shall successfully complete:

A) Department sponsored ~~Community-Care-Program-(~~ CCP~~)~~ training on the Determination of Need (DON), eligibility determination, care planning, nursing home prescreening, and ~~IDMHDD~~ OBRA-1 (Level I ID Screen).

B) Successful completion of the above training shall be established by certification.

2) Each case management supervisor shall meet the following in-service training requirements:

A) Recertification of CCP training within 18 ~~eighteen~~ months from the anniversary month of each previous recertification (e.g., recertification in September, subsequent recertification no later than March of the second following year); and

B) Eighteen hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, state, regional or national conferences on aging related subjects, and the recertification required in subsection (a)(2)(A) above, will qualify as in-service training on an hour-for-hour basis.

b) Case Managers

1) Prior to performing CCP eligibility determinations and developing plans of care, each case manager and each supervisor acting as a case manager shall successfully complete:

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A) Department sponsored CCP training on the DON, eligibility determination, care planning, nursing home prescreening and ~~IDMHDD~~ OBRA-1 (Level I ID Screen).

B) Successful completion of the above training shall be established by preliminary certification which shall expire six months from completion of training.

2) Each case manager and each supervisor acting as a case manager shall meet the following ~~in-service~~ training requirements:

A) certification ~~recertification~~ of CCP training within six months from the preliminary certification (e.g., preliminary training in January, full certification no later than July); and

B) recertification of CCP training within the 18 ~~eighteen~~ month anniversary of each previous certification (e.g., full certification in April, subsequent recertification no later than October of the second following year); and

C) eighteen hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, state, regional or national conferences on aging related subjects, in addition to the certification required in subsection (b)(2)(A) above, will qualify as in-service training on an hour-for-hour basis.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART O: PROVIDERS

Section 240.1535 Homemaker Staff Positions, Qualifications and Responsibilities

a) Homemaker Supervisor

1) Activities of a homemaker supervisor shall include:

A) documenting client contacts and activities related to client services in the client's file;

B) preparing or reviewing reports and service calendars;

C) monitoring receipt procedures in the conduct of essential shopping and errands as stated in the plan of care;

D) providing input to the case manager on the services that are needed for each client as a result of conferences with the homemaker or in-home visits;

E) planning, preparing, and documenting contact and quarterly worker conferences with each assigned homemaker;

F) evaluating each assigned homemaker annually;

G) coordinating the homemaker's activities with other

components of the plan of care as required;

H) making and documenting semi-annual in-home supervisory visits for each assigned homemaker;

I) making home visits, as necessary, to provide hands-on training and assistance; and

J) initiating and/or participating in client staffing discussions with the case manager, as necessary.

2) Qualifications for a homemaker supervisor shall include:

A) a high school diploma or general education diploma; or

B) combination of skills and experience which indicate that the applicant has the ability to perform the supervisory activities.

3) Homemaker supervisor shall meet the following training requirements:

A) Within 90 calendar days from the date of employment with the provider agency, each supervisor shall complete Department sponsored Community Care Program (CCP) training on policy and procedures, billings, evaluations, worker and client files; and

B) Within each calendar year, each supervisor shall complete 12 hours of documented in-service training on aging related subjects including documented participation in in-house staff training and/or local, state, regional or national conferences. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment.

b) Homemaker Staff

1) Activities of homemaker staff include the following:

A) following a client's written plan of care;

B) carrying out duties as assigned by the supervisor;

C) observing the client's functioning and reporting to the homemaker supervisor;

D) providing necessary receipts and documentation in the conduct of essential shopping/errands;

E) maintaining records of daily activities, observations, and direct hours of service; and

F) attending initial training, in-service training sessions and staff conferences.

2) Qualifications of a homemaker shall include:

A) one of the following types of education or experience:

i) a high school diploma or general education diploma; or

ii)~~B~~ one year of homemaker/chore-housekeeping direct service work experience in the CCP, in a comparable human service program, or for a dependent child or adult family member; or

iii)~~C~~ demonstration of continued progress towards meeting the educational requirement of a general education diploma by current registration and evidence of

successful completion of course work (successful completion means achievement of a grade of "C" or higher); or

iv)~~B~~ service as a Community Care Program chore-housekeeping direct service worker prior to the effective date of this Section; and

B)~~B~~ having a basic knowledge of home management skills; and

C)~~F~~ in addition:

i) new employees shall receive 15 hours of initial pre-service ~~face-to-face~~ training, excluding agency orientation, prior to assignment to provide services to a CCP client without a supervisor or trainer present (not to exceed a six ~~6~~ month period from the ~~said~~ training to first assignment);

ii) initial training may be exempt if a worker has had previous documented and supervised training within the past two ~~2~~ years prior to this employment, equivalent to 15 hours for homemaker initial training or equivalent to 12 hours for chore-housekeeping initial training prior to the effective date of this Section, or has successfully completed RN, LPN, MD or CNA training in the past and has been employed in the field within the past two ~~2~~ years; and

iii) thereafter, a minimum of three ~~3~~ hours per calendar quarter of face-to-face in-service training shall be mandatory for all workers. Initial training shall fulfill the first quarter in-service training requirement for new employees except when the initial training is exempt for previous documented and supervised training as described in subsection (b)(2)(C)~~(B)~~(ii) above. Training hours in excess of three ~~3~~ hours may be carried forward to satisfy training requirements in the following quarter(s).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART P: PROVIDER PROCUREMENT

Section 240.1610 Procurement Cycle for Provider Services

a) The Department will solicit proposals for the provision of Community Care Program (CCP) services on a six ~~6~~ Fiscal Year cycle, beginning with contracts effective July 1, 1993.

1) To ensure all contracts are procured equitably, at least once every six ~~6~~ years each County/Sub-Area/Region within all 102 Illinois counties will be opened for free and open competition for contracts to provide CCP homemaker and adult day service ~~care~~

~~services~~.

2) An initial selection of at least one-third of the CCP contracts resulting from the Fiscal Year 1991 statewide solicitation shall be opened for competition by County/Sub-Area/Region, with contracts effective July 1, 1993. Thereafter, at least one-third of the CCP contracts, by County/Sub-Area/Region, shall be opened for solicitation and contract award every two ~~2~~ years unless the Department, for purposes of administration, finds it necessary to suspend the procurement cycle. Such suspensions shall be for a period of time not to exceed two State fiscal years from the scheduled date of procurement, and shall apply to emergency contracts executed under Section 240.1605 of this Part.

3) The Department shall offer a contract for a period of time not to exceed six 6 years unless extended due to suspension of the procurement cycle.

4) All areas except the City of Chicago and Suburban Cook County will be opened for solicitation by County.

A) The City of Chicago and Suburban Cook County will be opened for solicitation by Sub-Area or Region: five 5 Sub-Areas in the City of Chicago and three ~~3~~ Regions in Cook County.

B) No more than two ~~2~~ Sub-Areas and one ~~1~~ Region shall be randomly selected during any solicitation.

C) Once a County/Sub-Area/Region has been randomly selected for solicitation in a scheduled procurement, that County/Sub-Area/Region cannot be randomly selected a second time during the six 6 year contract effective period, except as noted in Section 240.1605(c) of this Part.

D) The Department reserves the right to a limited selection of additional Counties/Sub-Areas/Regions which may exceed the random selection for a scheduled two ~~2~~ year procurement cycle.

~~b) Contracts issued prior to June 30, 1993 shall terminate no later than June 30, 1997.~~

b)~~c)~~ If there is a change in the established fixed unit rate amount (refer to Subpart S of this Part), the Department shall exercise its 30 calendar day termination rights or mutual amendment right, in order to ensure implementation of the change.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1650 Classification, Identification and Receipt of Provider Service Violations

Failure(s) to comply with the contract, proposal and ~~/~~ Department rules shall be identified and classified by the Department.

a) In determining the classification assigned to each provider service violation, the Department shall consider the following:

1) the severity of the violation;
2) the danger posed by the violation to the health, safety and welfare of the client, based upon degree of client impairment and availability of support sources;
3) the provider's efforts to correct violations;
4) the volume and scope of violation(s).

b) There are three classifications of violations: Type I, Type II, and Type III.

1) Type I provider service violations are client-centered violations which pose an imminent risk to the health, safety and welfare of the Community Care Program (CCP) client, and represent situations where failure to correct the violation could result in the client's potential hospitalization or nursing facility ~~home~~ placement. Type I violations shall receive priority attention, requiring immediate (within 24 hours) correction to remove the risk environment. Permanent correction must be achieved within 60 calendar days.

2) Type II provider service violations are client centered violations which pose a potentially serious risk to the client. These violations are to be corrected within 60 calendar days.

3) Type III provider service violations are administrative violations which pose a very low risk to the client. The timeframe for correction of Type III violations shall be 60 calendar days or as established in an approved work plan.

c) Provider service violations include, but are not limited to, violation of the following Community Care Program rules:

1) adult day service ~~care~~ standard requirements, as specified in Section 240.1550 of this Part;
2) adult day service ~~care~~ and in-home provider staffing requirements, as specified in Sections 240.1530 and 240.1555 of this Part;
3) special services, as specified in Subpart J;
4) provider administrative minimum standards and responsibilities, as specified in Sections 240.1510, 240.1520 and 240.2020 of this Part;
5) service components, as specified in Sections 240.210, 240.230, 240.270 and 240.280 of this Part;
6) adult day service ~~care~~ and in-home provider staff qualification and responsibilities, as specified in Sections 240.1535 and 240.1560 of this Part;
7) service provision requirements, as specified in Section 240.915 of this Part.

d) The Department will be in receipt of reported contract, proposal and rule violations through the following methods:

1) Performance reviews of contracted provider agencies, as specified in Section 240.1660 of this Part;
2) Service complaints/violations, which are reported directly to the Department or the Senior HelpLine of the Department, or are

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referred to the Senior HelpLine by the Department/Case Coordination Unit, service provider/other; and/or

3) Reports from Department staff.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 240.1655 Method of Identification of Provider Service Violations (Repealed)

~~The Department will be in receipt of reported contract, proposal and rule violations through the following methods:~~

~~a) Compliance reviews of contracted provider agencies, as specified in Section 240.1660;~~

~~b) Service complaints/violations, which are reported directly to the Department or to the Senior HelpLine of the Department, or are referred to the Senior HelpLine by the Department/Case Coordination Unit/provider/other; and/or~~

~~c) Reports from Department staff.~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

Section 240.1660 Provider Performance ~~Compliance~~ Reviews ~~of Contracted Provider Agencies~~

a) Providers under contract to the Department must comply with Federal, State and local laws, regulations, Department rules and the contract requirements. When the provider signs the contract, this signature shall be the provider's certification that all applicable laws, rules and regulations, contract requirements and all statements included in the Provider Proposal, shall be complied with. The Department shall have the authority to conduct performance reviews ~~any or all of the following compliance review(s)~~ of a contracted provider agency at any time during the course of the provider's contract period. Any findings and/or contract actions resulting from a performance ~~compliance~~ review may be appealed (refer to Section 240.1661 of this Part).

~~a) Provider Compliance Review~~

b) ~~1)~~ The Provider Performance ~~Compliance~~ Review consists of a sample of rules, of RFP requirements, and of cases which will be reviewed for performance ~~compliance~~.

~~2) The Provider Compliance Review shall consist of at least one on-site visit.~~

c) ~~3)~~ If non-performance ~~correctable non-compliance~~ findings result from the ~~initial on-site~~ Provider Performance ~~Compliance~~ Review, the provider shall receive a written report of the findings and have a specified period of time for adherence ~~to correct the non-compliance~~

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~~circumstances~~. The allowable time period shall be relevant to the classification of the violation and the applicable corrective action timeframes specified in Section 240.1650 of this Part.

d) If non-performance findings result from the follow-up review, the Department may impose one or more of the contract actions specified in Section 240.1665 of this Part.

~~b) Comprehensive Compliance Review~~

~~1) Upon recommendation of staff and at the direction of the Director, the Department shall conduct a Comprehensive Compliance Review which is a review of all relevant Community Care Program rules and Provider Proposal(s) to determine provider compliance.~~

~~2) The Comprehensive Compliance Review shall consist of an on site visit.~~

~~3) If correctable non-compliance findings exist at the time of the Comprehensive Compliance Review, one or more of the contract actions specified in Section 240.1665 may result.~~

~~4) If correctable non-compliance findings result from the Comprehensive Compliance Review, the provider shall receive a written report of the findings and have a specified period of time to correct the non-compliance circumstances. The allowable time period shall be relevant to the classification of the violation and applicable to the corrective action timeframes specified in Section 240.1650.~~

~~c) Special Review~~

~~1) At the direction of the Director, the Department shall conduct a Special Review which is a targeted review of specific rules and/or cases to determine provider compliance. Circumstances under which a Special Review shall be conducted include, but are not limited to, the following:~~

~~A) Type I provider service violation(s) have been reported (refer to Section 240.1650), and/or~~

~~B) service complaint(s)/violation(s) have been reported (refer to Section 240.1655).~~

~~2) The Special Review shall consist of an on site visit.~~

~~3) If non compliance findings exist at the conclusion of the Special Review, 1 or more of the contract actions specified in Section 240.1665 may result.~~

~~d) Financial Compliance Review~~

~~1) The Financial Compliance Review consists of verifying documentation that supports the Provider Request for Payment forms.~~

~~2) The Financial Compliance Review may or may not consist of an on site visit.~~

~~3) If insufficient documentation is determined through the Financial Compliance Review resulting in a finding(s), one or more of the contract actions specified in Section 240.1665 may result.~~

(Source: Amended at 22 Ill. Reg. _____, effective

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Section 240.1661 Provider and Case Coordination Unit Right to Appeal

The provider and Case Coordination Unit (CCU) have ~~has~~ the right to appeal any finding and/or contract action (refer to Section 240.1665 of this Part) resulting from a performance ~~compliance~~ review (refer to Sections ~~Section~~ 240.1660 and 240.1720 of this Part).

a) Upon receipt of the Provider or CCU Performance ~~Compliance~~ Review report of non-performance ~~non-compliance~~ findings and the written notification of contract action(s) to be taken, a provider or CCU wanting to appeal must do so in such a manner that the appeal is received at the Department's Springfield Office on or before the 15th ~~tenth~~ work day from the date of the notice ~~provider's receipt of the report and notification~~. If the appeal is not received before the close of business on the 15th ~~tenth~~ work day, the appeal shall be disregarded.

b) Appeals shall be submitted in the manner and form specified by the Department and shall be addressed, delivered or mailed to:

Director
Attention: General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789

c) General Counsel, with appropriate Department staff, will review the appeal and make a recommendation to the Director for final decision.

1) If the finding and/or contract action is determined by the Director to be valid, the finding/action shall be upheld/implemented.

2) If the finding and/or contract action is determined by the Director to be invalid, the appeal shall be upheld and the finding/action shall be modified or expunged, in whole or in part, with evidence placed in the provider or CCU ~~provider's~~ file.

d) The Director may determine that the circumstance(s) causing the contract action(s) warrant(s) a hearing which shall be conducted at the Illinois Department on Aging, 421 East Capitol, Springfield, Illinois.

1) The provider or CCU may bring appropriate representation and written appeal data to the hearing.

2) Appropriate Department staff shall ~~will~~ be in attendance at the hearing.

e) All hearings shall be conducted in accordance with Department hearing rules (89 Ill. Adm. Code 220.500 through 220.520).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

The Department may impose one or more of the following contract actions upon any Community Care Program (CCP) contracted provider or contracted Case Coordination Unit (CCU) who fails to comply with Department rules or contract requirements, including any statements made on the Provider or CCU Proposal. Contract actions include:

a) prohibition of specified staff from serving CCP clients (imposed when the Department finds that a worker, case manager, supervisor or other designated staff fails ~~fail~~ to comply ~~meet program requirements as stated in Section 240.1530 through 240.1560~~);

b) purchase of a limited financial ~~compliance~~ audit (imposed when the Department finds that a provider or CCU has failed to adhere to the fiscal requirements specified in Part 240);

c) suspension of referrals for up to 90 days;

d) transfer of all or a portion of the clients served under the contract;

e) training of staff;

f) termination of provider or CCU ~~provider's~~ contract and transfer of all clients;

g) requiring a review by the provider or CCU of all or a specified subset of files and provider or CCU certification of corrective action;

h) requiring the provider or CCU to contract with an outside management firm to evaluate program management and to implement recommendations for improvement as provided in the evaluation and negotiated with the Department;

i) suspending all or a portion of CCP ~~a provider's~~ payments ~~for CCP services provided~~, until the action is corrected;

j) deducting overpayments to provider or CCU from future Provider or CCU Requests for Payment or requiring the provider or CCU to reimburse the Department;

k) refusing to accept a proposal(s) from a provider or CCU in one ~~1~~ or more specified areas open for procurement; and/or

l) taking any other action which the Director determines to be appropriate to the non-compliance circumstances.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section 240.1720 Case Coordination Unit Performance ~~Compliance~~ Review

a) Each Case Coordination Unit (CCU) under contract to the Department must comply with the Request for Proposal, Federal, State and local laws, regulations and Department rules, policies and procedures. When the CCU signs the contract, this signature shall be the CCU's certification that all applicable laws, rules and regulations will be

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complied with, as well as all statements included in the CCU Proposal except those contradicting applicable laws, rules and regulations.

b) The Department shall have the authority to conduct a review ~~Case Coordination Unit Compliance Review (CCUCR)~~ of a contracted CCU agency at any time during the course of the CCU's contract period for the purpose of protecting the health, safety and welfare of Community Care Program clients.

c) The Department shall conduct a review ~~CCUCR~~ in accordance with Department procedures ~~established in subsection (d) below and pursuant to 89 Ill. Adm. Code 220.660. CCUCRs shall be conducted no less frequently than one review during each thirty-six month period.~~

~~d) A CCUCR will consist of two phases: an initial phase and a final phase.~~

~~1) In the initial phase, CCUs will be provided a copy of the CCUCR instrument prior to an on-site review.~~

~~A) A random sample of files, based on caseload size, will be selected, and~~

~~B) an on-site review performed.~~

~~2) Following the on-site review, an initial findings confirmation letter and CCUCR summary of findings will be issued to the CCU.~~

~~3) If a CCU has been found to be in compliance, the CCUCR will be concluded with the initial findings confirmation letter and the initial CCUCR report.~~

~~4) A non-compliant CCU will have sixty calendar days from the date of receipt of the initial findings confirmation letter to achieve compliance.~~

~~5) A non-compliant CCU may request technical assistance from the Department within fifteen calendar days from the date of receipt of the initial findings confirmation letter.~~

~~6) Following the conclusion of the sixty calendar day interval, the Department will conduct the final phase of the CCUCR on site.~~

~~A) The previously determined non-compliance findings and files will be re-examined.~~

~~B) In addition, a sample equal to the number of previously determined non-compliant files will be reviewed, where applicable.~~

~~7) Following the completion of the final phase on site review, the CCU will receive the final CCUCR report. A copy of this report will be forwarded to the Area Agency on Aging.~~

d)~~e)~~ Review ~~CCUCR~~ Reports shall be maintained by the Department and findings shall be acted upon as specified in 89 Ill. Adm. Code 220.670 and/or 89 Ill. Adm. Code 240.1665 of this Part.

~~f) The Department shall have the authority to conduct reviews/audits of a contracted CCU, other than CCUCRs, at any time during the course of the CCU's contracted period pursuant to a decision to perform such reviews/audits by the Director of the Department.~~

(Source: Amended at 22 Ill. Reg. _____, effective

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SUBPART R: ADVISORY COMMITTEE

Section 240.1800 Community Care Program ~~(CCP)~~ Advisory Committee

a) The Director shall appoint individuals to serve in an advisory capacity to the Department to identify present and potential issues, including rates of reimbursement for services provided under the Community Care Program (CCP) ~~CCP~~, affecting the ~~Community Care Program (CCP)~~ service delivery network, and to recommend solution strategies.

b) Representatives will be appointed with the following considerations:

1) the agency's/applicant's experience (years) in ~~the Community Care Program (CCP)~~;

2) geographic representation;

3) equal in-home adult day service ~~care~~ and case coordination unit provider representation, as well as two ~~2~~ in-home care direct service staff and two ~~2~~ representatives of Area Agencies on Aging;

4) at least two ~~2~~ non-provider representatives from policy/advocacy/other services/research organizations; and

5) willingness to serve.

c) Nominations may be presented from any agency or State ~~state~~ association with interest in the CCP.

d) The Director, or designee, will serve as permanent Co-chair ~~Co-chairs~~ of the Community Care Program Advisory Committee (CCPAC) ~~(CCP) Advisory Committee~~.

e) The Director will designate Department staff to provide technical assistance and staff support to the Committee. Department representation will not constitute membership on the CCPAC ~~Community Care Program (CCP) advisory Committee~~.

f) Initial terms of appointment will be for either three ~~2~~ or four ~~3~~ years. Subsequent appointments will be for a single four ~~2~~ year term. At no time can a member serve more than one consecutive term in any capacity on the Committee.

g) The Department will fill vacancies that have a remaining term of over one year, and this replacement will occur through the annual replacement of expiring terms.

h) All papers, issues, reports and meeting memoranda will be advisory only. The Director, or designee, will make a written response/report, as requested, regarding issues before the CCPAC ~~Community Care Program (CCP) Advisory Committee~~.

i) The Director retains full decision making authority on the Community Care Program regarding any recommendations presented by the CCPAC ~~Community Care Program (CCP) Advisory Committee~~.

(Source: Amended at 22 Ill. Reg. _____, effective
_____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3)

Section Number:	Proposed Action:
110.50	Amended
110.70	Amended
110.90	Amended
110.100	Amended
110.110	Amended

4) Statutory Authority: Animal Disease Laboratory Act [510 ILCS 10]

5) A Complete Description of the Subjects and Issues Involved: A fee of $100 for a cosmetic necropsy for cats and dogs is established in Section 110.50. The fee for cytology is being increased to $12 in Section 110.70. A charge for a pseudorabies latex agglutination test of $3.00 is being added to Section 110.90. The Johne's ELISA test is being made more affordable in Section 110.90(d). Charges for actinobacillus pleuropneumoniae, mycoplasma hyopneumoniae, caprine arthritis encephalitis and bovine leukemia ELISA are being added to Section 110.90(d). Charges for helminth ova in sludge, giardia/cryptosporidia FA and cryptosporidia ELISA are being added to Section 110.100. A charge for herbicides requiring derivitazation is being added to Section 110.110(e). A charge for feed particle size and total suspended solids is being added to Section 110.110(h).

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield

DEPARTMENT OF AGRICULTURE

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Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Veterinarians and all others wishing to utilize the Department's laboratory services.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DIAGNOSTIC LABORATORY ACT

Section
110.10 Definitions
110.20 Submitting Specimens
110.30 Payment For Laboratory Services
110.40 Tests Not Covered By Fee Schedule
110.50 Minimum Fees
110.60 Euthanasia Fees
110.70 Clinical Pathology Fees
110.80 Histopathology Fees
110.90 Microbiology Fees
110.100 Parasitology Fees
110.110 Toxicology Fees
110.120 Miscellaneous Fees
110.130 Meats Chemistry Fees
110.140 Liquor Control Commission Fees

AUTHORITY: Implementing and authorized by the Animal Disease Laboratory Act [510 ILCS 10].

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. Reg. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March, 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. 11416, effective July 1, 1992; amended at 18 Ill. Reg. 1825, effective February 1, 1994; amended at 18 Ill. Reg. 17433, effective December 1, 1994; amended at 20 Ill. Reg. 255, effective January 1, 1996; amended at 20 Ill. Reg. 16176, effective January 1, 1997; amended at 21 Ill. Reg. 17034, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 110.50 Minimum Fees

a) A minimum accession fee of $5 per accession shall be charged on all accessions originating from Illinois animals, with the exception of samples for trichinosis testing for which the minimum accession fee is $1. If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged. Persons submitting specimens for which

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there are no charges for the laboratory procedure shall be exempt from the minimum fee.

b) The necropsy fee is $40 per accession up to four animals for all species and cadavers submitted where more than one test is needed, with an additional $15 for each additional animal. Poultry are exempt from the additional charge for each animal over four. If multiple tissue specimens are submitted where more than one test is needed, the fee is $35 per accession for up to four animals with an additional $15 for each additional animal. The necropsy fee and multiple tissue specimens fee will include a test in pathology, microbiology, parasitology and toxicology as indicated by the necropsy. These fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is $20 plus the disposal fee. The fee for a cosmetic necropsy is $200 for animals other than cats and dogs and $100 for cats and dogs (cases where the owner wants the carcass back).

c) Electron microscopy and toxicologic tests (other than a screen for metals and pesticides) shall be performed only after consultation with and with approval from the person who requested the laboratory services at the fees set forth in this Part.

d) All fees, including the minimum accession and necropsy fee, shall be doubled on all out-of-state owners, unless a specific charge is noted or the sample is referred from another state diagnostic laboratory at which time only the in-state fee will be charged.

e) Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this Part.

f) Accessions submitted as "rush priority" specimens shall be charged at twice the normal rate. This charge shall apply to any submission requesting service at a rate faster than the normal laboratory routine turnaround time for the requested test (e.g., before the regularly scheduled day, before other samples or on days requiring additional personnel time such as weekends or holidays). For cases where there is no in-state fee (i.e., pseudorabies or bovine or swine brucellosis), the fee shall be as for out-of-state samples.

g) The fee for accessions up to four animals or multiple tissues from up to four animals for the following work-ups will be as indicated, with an additional $15.00 for each additional animal. Poultry are exempt from the additional charge for each additional animal over four.

1) Porcine Abortion Work-up..... $50.00 C, G
2) Bovine Abortion Work-up..... 75.00 C, G
3) Respiratory or Enteric Diagnostic Work-up..... 50.00 C, G

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 110.70 Clinical Pathology Fees

The following fees apply to those specimens submitted where a necropsy is not involved; with a minimum total fee of $5.00:

a) Hematology:		
1)	Complete Blood Count (RBC, Hb, Ht, WBC, Diff.)	$ 8.00 C, G
2)	Erythrocyte	3.00 C, G
3)	Leukocyte	3.00 C, G
4)	Bendixen Key	5.00 C, G
5)	Hemoglobin	3.00 C, G
6)	Hematocrit	3.00 C, G
7)	Differential	3.00 C, G
8)	Eosinophil Count--Total	5.00 C
9)	Stippling	3.00 C, G
10)	Fibrinogen	3.00 G
11)	Erythrocyte Indices	3.00 G
12)	Shorr Stain (canine distemper)	5.00 C, G
13)	Hemobartonella--Acridine Orange	5.00 C
14)	Erythrocyte Parasites--Wright's Giemsa Stain	5.00 C, G
15)	Erythrocyte Sedimentation Rate	5.00 C
16)	Blood Compatibility Crossmatch	7.00 C
17)	Pandy (Qualitative Protein)	3.00 C
18)	Bone Marrow, Collection and Examination	20.00 C
19)	Bone Marrow Examination	5.00 C, G
20)	Microfilaria	3.00 C, G
b) Urinalysis		
1)	Routine Chemistry and Microscopic Examination	5.00 C, G
2)	Urine Urobilinogen, Qualitative	3.00 G
3)	Urine Na	3.00 C
4)	Urine K	3.00 C
c) Enzymology		
1)	SGOT (serum glutamic oxalacetic transaminase)	3.00 C
2)	SGPT (serum glutamic pyruvic transaminase)	3.00 C
3)	LDH (lactic dehydrogenase)	3.00 C
4)	Alkaline Phosphatase	3.00 C
5)	Lipase	5.00 C
6)	Amylase	5.00 C
7)	Sorbitol dehydrogenase	5.00 C
8)	Arginose	5.00 C
d) Chemistry		
1)	Bilirubin--Total and Direct	10.00 C
	Total Only	5.00 C
	Direct Only	5.00 C
2)	Electrolytes (Ca, P, Mg, K, and Na)	12.00 C
3)	Calcium	3.00 C, G
4)	Chloride	3.00 C
5)	Cholesterol, Total	3.00 C
6)	Creatinine	3.00 C

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7)	Glucose	3.00 C
8)	Phosphorus	3.00 C, G
9)	Lactic Acid	3.00 C
10)	Potassium	3.00 C
11)	Total Protein	3.00 C, G
12)	Albumin	3.00 C
13)	Sodium	3.00 C, G
14)	Blood Urea Nitrogen	3.00 C
15)	Uric Acid	3.00 C
16)	Zinc	3.00 C
17)	Magnesium	3.00 C
18)	Copper	3.00 C
19)	Iron	3.00 C
e) Other Tests		
1)	Calculi Analysis, Qualitative	10.00 C
2)	Semen Examination	10.00 C, G
3)	Cytology Transudate/Exudate	
	Cytology Examination Only	12.00 ~~5.00~~ C, G
	Complete (i.e., Count, SG, TP, Sugar, Culture)	20.00 C, G
4)	Spinal Fluid (Cytology, SG, TP)	10.00 C, G

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

a) Bacteriology, Mycoplasma and Fungi		
1)	Aerobic or anaerobic culture without sensitivity testing	10.00 C, G
2)	Aerobic culture with sensitivity testing	15.00 C, G
3)	Clostridium perfringens serotyping	5.00 G
4)	Milk samples for mastitis evaluation	
	1-4 specimens	15.00 C, G
	(additional specimens, each at)	2.00 C, G
	Wisconsin mastitis test	
	1-10 specimens, each	2.00 C
	(additional specimens, each at)	1.00 C
5)	Leptospirosis--6 serotypes	
	Microtiter test-per specimen	2.00 C, G
6)	Canine brucellosis--per specimen	5.00 C, G, S
7)	Fluorescent Antibody Test (FA)	10.00 C, G
8)	Escherichia coli serotyping	3.00 C
9)	Campylobacter (culture)	4.00 C, G
10)	Salmonella isolation using enrichment media	6.00 C, G
11)	Hemophilus (culture)	3.00 C, G
12)	Nasal Swabs--Bordetella	2.00 C, G

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13)	Listeria (culture)	4.00	C, G
14)	Haemophilus equigenitalis (CEM)	4.00	C, G
15)	Spirochetes (swine dysentery--Treponema sp.)	3.00	C, G
16)	Johne's Bacillus (first specimen)	7.00	C, G
	(each additional specimen)	4.00	C, G
17)	Prepare and Supply Transport Media (per tube)	1.00	C, G
18)	Return culture for bacterin production per organism	2.00	C, G
19)	Mycology Testing	6.00	C, G
20)	Microscopic examination	3.00	C
21)	Mycoplasma Testing	6.00	C, G
22)	E. Coli or Metritis (1-4 specimens)	15.00	C, G
	(each additional specimen)	2.00	C, G
23)	Trichomonas transport media	4.00	C, G
b) Virology			
1)	Electron Microscopy--fecal	15.00	G
2)	Pseudorabies Serology (positive or negative)	no charge	C, G
	Pseudorabies Serology Out-of-State	3.00	C, G
	Pseudorabies Serology (positive or negative) and end titer	3.00	C, G
	Pseudorabies Serology (request for screen at dilution of 1:2)	3.00	C, G
	Pseudorabies Latex Agglutination	3.00	C, G
3)	Fluorescent Antibody Test (each disease)	10.00	C, G
4)	Rabies	5.00	C, G
5)	Virus Isolation in Cell Culture (1 specimen)	15.00	C, G
	Each additional specimen	10.00	C, G
6)	Viral Serology (each disease) (1-5 specimens, each)	3.00	C, G
	(Each additional specimen)	1.00	C, G
7)	Feline Leukemia Virus	10.00	C
8)	Feline Infectious Peritonitis (F.I.P.)	5.00	C
9)	Canine parvo-virus (ELISA) fecal	5.00	C, G
10)	Canine parvo-virus serum	5.00	C
11)	Canine distemper on serum	5.00	C
12)	Rota-virus on fecal	10.00	C
13)	Semen testing (export)	10.00	C
14)	Swine enterovirus (8 serotypes)	12.00	C
15)	FeLV-FeLT	15.00	C
16)	Porcine fetal fluid IgG	3.00	G
17)	Feline lentivirus (FeLT)	10.00	C
18)	Encephalomyocarditis (1-5 specimens, each)	3.00	C, G
	(Each additional specimen)	1.00	C, G
19)	PRRS (screening 1:20)	2.00	G
	PRRS end titer	4.00	C, G
c) Chlamydia Isolation in Cell Culture		15.00	C, G

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d) Miscellaneous serology			
1)	Toxoplasmosis (first sample)	5.00	C
	(Each additional sample)	2.50	C
2)	EIA-AGID	2.50	S
	EIA-CELISA	10.00	S
3)	Mare Immunological Pregnancy Test (35-60 days post-service)	15.00	C
4)	Aleutian Disease-Mink (immunoelectrophoresis)	.20	S
5)	Out-of-State brucellosis serology	.50	C, G, S
6)	Brucellosis testing other than bovine, porcine and canine	.50	C, G, S
7)	Bluetongue (1-5 specimens, each)	3.00	C
	(Each additional specimen)	2.00	C
8)	Bovine leukosis (BLV-AGID) (1-5 specimens, each)	3.00	C, S
	(Each additional specimen)	1.00	C, S
9)	Vesicular stomatitis (1-5 samples each)	3.00	C
	(Each additional sample)	2.00	C
10)	Complement Fixation Serology (1-5 specimens, each)	3.00	C
	(Each additional specimen)	1.00	C
	Note: The Complement Fixation Serology tests include testing for anaplasmosis, and chlamydia.		
11)	Johne's ELISA 1-10 ~~1-3~~ specimens, each	10.00 ~~20.00~~	C
	~~4-12 Specimens, each~~	~~10.00~~	~~C~~
	11 ~~13~~ or more specimens, each	5.00	C
12)	Actinobacillus pleuropneumoniae per serotype	1.00	G
13)	Mycoplasma hyopneumoniae	3.00	G
14)	Caprine Arthritis Encephalitis (CAE)		
	first specimen	3.00	C, G
	each additional specimen	1.00	C, G
15)	Bovine leukemia ELISA (1-5 specimens, each)	5.00	C, G
	each additional specimen	3.00	C, G

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.100 Parasitology Fees

The following are the fees for parasitology:

a)	Morphologic examination--ecto and endoparasites	4.00	C, G
b)	Baermann or Digestion	5.00	G
c)	Trichomonas foetus (Venereal trichomoniasis in cattle) Examination and culture of vaginal washings (including carrier media) 1-4 specimens	10.00	C, G
	Additional specimens, each	2.00	C, G
d)	Occult Dirofilaria serology (ELISA)	8.00	C
e)	Tissue Digestion Procedure (trichina)	.10	C, S

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f)	Helminth ova in sludge	5.00	C
g)	Cryptosporidia ELISA	15.00	C
h)	Giardia/Cryptosporidia FA	10.00	G

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 110.110 Toxicology Fees

a) A maximum charge of $100 shall be assessed Illinois residents. There is no maximum charge for out-of-state residents.
b) Toxicology Work-up:
Maximum $50 per animal or $100 per herd (Illinois animals).

c)	Metals		
	1) Arsenic or Selenium		
	1-3 specimens, each	20.00	C
	each additional specimen	10.00	C
	2) Lead, Copper, Zinc, Thallium, Calcium, Sodium, Mangesium, Potassium, Iron, Chromium, Cobalt, Nickel, or Manganese		
	1-3 specimens, each	8.00	C
	each additional specimen	5.00	C
	3) Cadmium, Molybdenum and Mercury		
	1-3 specimens, each	10.00	C
	(each additional specimen)	6.00	C
d)	Insecticide Screen		
	1) Organochlorines, organophosphates	40.00	C
	2) Carbamates	30.00	C
	3) Individual insecticide	20.00	C
	4) Ivermectin:		
	Blood	25.00	C
	Tissue	50.00	C
e)	Herbicides		
	1) Phenoxy compounds	40.00	C
	2) Individual analysis of any herbicide from screen	20.00	C
	3) Herbicide screen (heterocylic nitrogen derivatives, dintroanailines, urea, carbamate and anilide compounds)	50.00	C
	4) Imidazole compounds	50.00	C
	5) Herbicides requiring derivitazation	40.00	C
f)	Rodenticides		
	1) Anticoagulant screen	25.00	C
	2) Zinc Phosphide	10.00	C
	3) Strychnine and other alkaloids	10.00	C
	4) Yellow Phosphorus	5.00	C
	5) Individual anticoagulant	10.00	C
	6) Fluoracetate (1080)	20.00	C

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g)	Mycotoxins		
	1) Screen (aflatoxins, T-2, DAS, Vomitoxin, Zearalenone)	50.00	C
	2) Milk or urine aflatoxin	20.00	C
	3) Ochratoxin	30.00	C
	4) Citrinin	30.00	C
	5) Individual analysis of any mycotoxin from screen	20.00	C
	6) Cyclopiazonic acid (CPA)	30.00	C
	7) Blacklight for Aspergillus flavus	2.00	C
	8) Endophyte testing		
	Staining	12.50	C
	Grow-out	15.00	C
h)	Miscellaneous Analysis		
	1) Feed microscopy	10.00	C
	2) Nitrate:		
	Ground Materials (first specimen)	8.00	C
	(each additional specimen)	4.00	C
	Forages (first specimen)	12.00	C
	(each additional specimen)	9.00	C
	On Vitreous humor	5.00	C
	3) Cyanide	10.00	C
	Cyanide (screen-picric acid)	5.00	C
	4) Ammonia (Urea Toxicosis)		
	first specimen	10.00	C
	(each additional specimen)	5.00	C
	5) Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin		
	(first specimen)	15.00	C
	(each additional specimen)	5.00	C
	6) Sulfate	5.00	C
	7) Creosote, Petroleum Products	15.00	C
	8) pH	1.00	C
	9) Urea	10.00	C
	10) Total chlorides, feeds or water	5.00	C
	11) Monensin or other ionophore (each)	25.00	C
	12) Water chlorine	5.00	C
	13) Water nitrate, nitrite (each)	5.00	C
	14) Water hydrogen sulfide	5.00	C
	15) Water hardness	5.00	C
	16) Pentachorophenol (PCP or Penta)	15.00	C
	17) Bone--Percent Ash, Ca, Po4	12.00	C
	18) Ca, Po4 (in feed)	10.00	C
	19) Ergot alkaloids	15.00	C
	20) Antibiotics in feed (each)	15.00	C
	21) Vitamin Analysis (each)	10.00	C
	22) Feed Quality Analysis	30.00	C
	23) Protein and moisture analysis	7.50	C
	24) Gas chromatographic/mass		

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spectrophotometric analysis (each sample).....	50.00	C
25) Cholinesterase:		
Blood (first specimen).....	10.00	C
(Each additional specimen).....	5.00	C
Brain (first specimen).....	15.00	C
(Each additional specimen).....	10.00	C
26) Drug screen.....	25.00	C
27) Sulfa residue (each sulfa drug).....	5.00	C
28) Water quality screen (CH, OP, Carbamates, Herbicides, Lead).....	100.00	C
29) Total dissolved solids (Water).....	5.00	C
30) Specific gravity (Water).....	5.00	C
31) Polychlorinated biphenyls (PCB).....	50.00	C
32) Sugar analysis (each).....	20.00	C
33) Ethylene glycol.....	20.00	C
34) Fiber.....	5.00	C
35) Feed particle size.....	5.00	C
36) Total suspended solids.....	5.00	C

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Bovine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 75

3)

Section Number:	Proposed Action:
75.5	Amended
75.10	Amended
75.60	Amended
75.70	Amended
75.80	Amended
75.120	Amended
75.160	Amended

4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act [510 ILCS 30]

5) A Complete Description of the Subjects and Issues Involved: The restriction of the use of the RB-51 vaccine in Section 75.60 is being lifted. All references to the Code of Federal Regulations (CFR) are being updated to the 1998 edition of that publication. "Marketing center" is being added to Sections 75.70 and 75.80. An amendment in Section 75.160 clarifies that this section applies only to out-of-state female cattle entering Illinois.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713

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Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Cattle producers; bison producers, auction markets, marketing centers.

B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75
BOVINE BRUCELLOSIS

Section

75.5 Definitions
75.7 Incorporation by Reference
75.10 Official Classification of the Results of the Brucellosis Blood Test
75.15 Permits to Conduct Official Brucellosis Tests
75.20 Reports Required
75.30 Tests Conducted at State Expense or for Interstate or Export Shipment
75.40 Tests Conducted at Owner's Expense for Intrastate Movement (Repealed)
75.50 Indemnity
75.60 Identification of Cattle or Bison
75.70 Herds Revealing Reactors
75.80 Sale of Suspects and Negative Animals From Quarantined Herds
75.90 Release of Herds or Cattle or Bison Under Quarantine
75.100 Herds Revealing Suspects Only
75.110 Identification Tags
75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison
75.130 Feeding or Grazing Cattle
75.140 Sale of Quarantined Feeding or Grazing Cattle
75.150 Cattle or Bison for Immediate Slaughter
75.160 Female Cattle--Beef Breeds--18 Months and Over
75.170 Release of Feeding or Grazing Cattle from Quarantine
75.180 Dairy or Breeding Cattle or Bison
75.190 Additional Requirements on Cattle and Bison from States Designated as Class B and Class C States
75.200 Slaughter Cattle and Bison from Class B or Class C States
75.210 Official Calfhood Vaccination
75.220 Recognition of Brucellosis State Status
TABLE A Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison (Repealed)
TABLE B Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 6, 1972, effective December 16, 1972; filed June 20, 1973, effective June 20, 1973; filed December 14, 1973, effective December 24, 1973; filed

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August 19, 1975, effective August 29, 1975; filed March 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective August 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 28, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990; amended at 18 Ill. Reg. 1833, effective January 24, 1994; amended at 20 Ill. Reg. 1509, effective January 12, 1996; amended at 20 Ill. Reg. 16181, effective January 1, 1997; amended at 21 Ill. Reg. 17040, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 75.5 Definitions

The definitions for the rules of this Part shall be as stated in 8 Ill. Adm. Code 20.1. The following definition shall also apply:

"Act" means the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30].

"Registered animal" means an animal for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association. The breed associations recognized by the Department are those recognized by the United States Department of Agriculture (9 CFR 51.1, 1998 ~~1997~~).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 75.10 Official Classification of the Results of the Brucellosis Blood Test

a) The official tests and classification of results for the brucellosis blood and milk tests shall be as prescribed in the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992 as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1998) ~~(1997)~~.

b) The card (Buffered Brucella Antigen) test and Buffered Acidified Plate Antigen (BAPA) test shall be the official tests used at licensed livestock auction markets in the State. The CITE (Registered) test shall be used as an optional supplemental test whenever the card test is used.

c) The official brucellosis test for cattle or bison imported into Illinois shall be one conducted at an approved laboratory.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 75.60 Identification of Cattle or Bison

a) All purebred or crossbred cattle or bison subject to registration vaccinated with brucella abortus vaccine shall be identified on the report of vaccination by their registration number, or dam's registration number, or record association approved individual tattoo or microchip. All grade or not permanently identified cattle or bison so vaccinated shall be ear tagged in the right ear with an official identification tag. In addition to the above identification, all animals shall be identified at the time of vaccination by a tattoo in the right ear. When using a Strain 19 vaccine, the tattoo shall show the quarter and year of vaccination and the letter "V" in the Federal shield. The number of the quarter shall precede the letter "V" in the shield and the last figure of the year shall follow the letter "V" in the shield, as for example, 4V7--"4" means the last quarter (Oct., Nov., Dec.) of the year, "V" means vaccinated, and "7" means the year (example 1997). When using a RB-51 vaccine ~~(cattle-only)~~, the tattoo shall show the letter "R", then the Federal shield followed by the last number of the year the animal was vaccinated (example, RV6 would be an animal vaccinated with the RB-51 vaccine in 1996).

b) All cattle or bison, except permanently identified purebred or crossbred animals, tested for brucellosis in the State of the Illinois shall be identified by an official ear tag placed in the right ear, which tag shall bear a prefix number or letter followed by the number on the face of the tag, and on the reverse side shall bear the word "Illinois."

c) Purebred or crossbred registered cattle or bison may be identified for test or vaccination by the purebred or crossbred registration number or individual registration breed tattoo or microchip.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 75.70 Herds Revealing Reactors

a) The entire herd shall be placed under quarantine and the reactor animals shall be immediately isolated from the remainder of the herd. Reactors shall be shipped for slaughter to a public stockyards, or a

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marketing center, ~~a licensed livestock auction market,~~ or directly to a recognized slaughtering establishment accompanied by United States Department of Agriculture VS Form 1-27 Permit For Movement of Animals and shipment reported to the Department. Reactors shall not be diverted from the destination listed on the VS Form 1-27, and any other shipping forms must accompany the cattle or bison to their destination. The buyer of such animals must also ensure that the VS Form 1-27 and any other shipping forms are given to the driver transporting the animals to their destination.

b) All reactors shall be reactor tagged and branded by an accredited veterinarian or a veterinarian in the employ of the Department or the Animal and Plant Health Inspection Service within 10 days of report by the laboratory. ADE Form 1-23 (Indemnity Claim for Cattle Slaughtered) shall be submitted in duplicate. Such reactor animals shall be shipped within 15 days after tagging and branding.

(Source: Amended at 20 Ill. Reg. 16181, effective January 1, 1996)

Section 75.80 Sale of Suspects and Negative Animals From Quarantined Herds

Suspects or negative exposed animals from herds under quarantine may be shipped by the owner direct to a recognized slaughtering establishment, a public stockyards, marketing center or to a licensed livestock auction market, accompanied by Federal Form VS 1-27 to be sold for slaughter only and shipment reported to the Department. Suspects shall not be diverted from the destination listed on the VS Form 1-27, and any other shipping forms must accompany the cattle or bison to their destination. The buyer of such animals must also ensure that the VS Form 1-27 and any other shipping forms are given to the driver transporting the animals to their destination. Such cattle or bison are to be identified by an ear tag supplied by the Department and by branding with a hot iron the letter "S" on the left hip in letters not less than 2 nor more than 3 inches in height, before the animals leave the premises where they are quarantined, except that cattle or bison for slaughter shall be exempt from the "S" branding requirements of this regulation when moved direct from a feedlot on the quarantined premises to a recognized slaughtering establishment in a vehicle which has been sealed by a Department employee, or a person designated by the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle or Bison

Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; May 6, 1992 as amended

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February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1998) ~~(1997)~~.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 75.160 Female Cattle--Beef Breeds--18 Months and Over

Female cattle of the beef breeds 18 months of age and over, for feeding or grazing purposes only, may enter Illinois~~, or may be shipped from public stockyards within the State,~~ if they are accompanied by an official interstate health certificate showing:

a) Negative brucellosis blood test conducted at a State or Federal Laboratory within 30 days prior to entry, OR

b) The animals to be under 24 months of age and officially calfhood vaccinated against brucellosis, OR

c) Originated from a Brucellosis Class Free State or country or a Certified Brucellosis-Free Herd.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Definitions

2) Code Citation: 8 Ill. Adm. Code 20

3) Section Number: 20.1 Proposed Action: Amended

4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

5) A Complete Description of the Subjects and Issues Involved: "Auction market" is being added to the definition of "consignment" as information to be included on the consignment document, if applicable. The definitions of "feeder female cattle" and "feeder swine" are being clarified. The definition of "health certificate" is being amended to require the complete mailing address of both the consignor and the consignee. References to the Code of Federal Regulations are being updated to the 1998 edition of that publication. The definition of "state inspector" is amended to reflect the title currently in use by the Department. The reference to "National Stockyards" is being deleted as the stockyards are closed.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of

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Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock producers; auction markets; livestock dealers; and veterinarians.

B) Reporting, bookkeeping or other procedures required for compliance: "Auction market" is being added as information to be included on the consignment document. A complete mailing address is required by the consignor and consignee on the health certificate.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20
DEFINITIONS

Section
20.1 Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; and Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

SOURCE: Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 1522, effective January 12, 1996; amended at 22 Ill. Reg. _____, effective _____.

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

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"Approved laboratory" means one of the animal disease laboratories operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Brucellosis" means the disease wherein an animal is infected with Brucella micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, auction market, packing plant, or marketing center of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, auction market, packing plant, or marketing center of destination upon acceptance. This consignment shall be held by the stockyard, auction market, packing plant, or marketing center for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines of the beef breeds 6-18 months of age that have not been tested for brucellosis prior to sale.

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"Feeder swine" or "feeding swine" means swine under four months of age, weighing less than 180 pounds ~~slaughter-weight~~ and not requiring testing as breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and complete mailing address of the consignor, the name and complete mailing address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The two copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance.

"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 (1998) ~~(1995)~~). Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/2], the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing Center" means a licensed livestock auction market that has been designated as a "Specifically Approved Stockyard" by the

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Department and the United States Department of Agriculture (9 CFR 78.44 (1998) ~~(1995)~~). Incorporation by reference does not include any later amendments or editions beyond the date specified. Marketing Centers shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum.

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as ~~National Stockyards located at East St. Louis and~~ Peoria Union Stockyards located at Peoria.

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

"Recognized slaughtering establishment" means an establishment where slaughtering is conducted under Federal or State inspection.

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRT)", means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an ~~Animal Health Inspector or~~ Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less

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than that which would result in a classification of reactor.

"Tuberculosis-free Accredited Herd" means one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Diseased Animals

2) Code Citation: 8 Ill. Adm. Code 85

3)

Section Number:	Proposed Action:
85.5	Amended
85.15	Amended
85.20	Amended
85.55	Amended
85.75	Amended
85.80	Amended
85.100	Amended
85.115	Amended
85.120	Amended

4) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65]

5) A Complete Description of the Subjects and Issues Involved: In Section 85.5, the Department is proposing a definition for the term "exposed to" which includes an exemption for animals exposed to other animals infected with Johne's disease. References to the Code of Federal Regulations are being updated to the most recent 1998 version of that publication. The term "auction market" is being added to Sections 85.20 and 85.100. The Voluntary Scrapie Flock Certification Program Standards will be adopted in Section 85.55, and restrictions on scrapie source or infected flocks are being proposed. Goats are added to Section 85.55. Restrictions on sheep with club lamb fungus (sheep ringworm) are added in Section 85.80. A requirement of a health certificate for cervidae entering Illinois is being added to Section 85.120, along with the requirement that the animals be identified by individual identification (approved ear tag, tattoo, or microchip). Additional requirements for cervidae are being added to Section 85.120 regarding: the information that must accompany cervidae entering Illinois; and chronic wasting disease.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Farmers, livestock producers, veterinarians, public stockyards, auction markets, marketing centers, exhibitors.

B) Reporting, bookkeeping or other procedures required for compliance: Sheep owners will have the opportunity to participate voluntarily in the scrapie herd certification program. Cattle producers will need to have a negative test for their Johne's exposed animals in order for the animals to be considered no longer "exposed to". A permit from the Department and a Certificate of Veterinary Inspection must accompany all cervidae entering Illinois. Any cervid showing symptoms of chronic wasting disease (CWD) must be kept separate from other members of the herd. Cervid dying of an unknown cause exhibiting a neurological disorder must have its brain removed for CWD evaluation.

C) Types of professional skills necessary for compliance: The services of a veterinarian are needed.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

Section
85.5 Definitions
85.7 Incorporation by Reference
85.10 Reportable Diseases
85.12 Contagious or Infectious Diseases
85.15 Truck Cleaning and Disinfection
85.20 Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers
85.25 Sale of Livestock Quarantined Because of Disease
85.30 Identification Ear Tags for Livestock
85.35 Identification Tags Not to be Removed
85.40 Livestock for Immediate Slaughter Not to be Diverted En Route
85.45 Anthrax
85.50 Goats
85.55 Scrapie in Sheep and Goats
85.60 Bluetongue
85.65 Sheep Foot Rot (Repealed)
85.70 Cattle Scabies
85.75 Cattle Scabies--Additional Requirements on Cattle From Certain Designated Areas
85.80 Sheep
85.85 Diseased Animals
85.90 Copy of Health Certificate Shall Be Furnished
85.95 Requests for Permits
85.100 Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers
85.105 Obligation of Transportation Company and Truck Operators
85.110 Additional Requirements on Cattle From Designated States
85.115 Salmonella enteritidis serotype enteritidis
85.120 Cervidae
85.125 Ratites
85.130 Vesicular Stomatitis
85.135 Requirements for Establishing and Maintaining a Herd or Flock Under the Voluntary Paratuberculosis (Johne's disease) Certification Program

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act [510 ILCS 50]; Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]; Livestock Auction Market Law [225 ILCS 640]; and Equine Infectious Anemia Control Act [510 ILCS 65].

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SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; codified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990; amended at 14 Ill. Reg. 15313, effective September 10, 1990; amended at 16 Ill. Reg. 11756, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 14052, effective August 16, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 1850, effective January 24, 1994; emergency amendment at 19 Ill. Reg. 10734, effective July 10, 1995, for a maximum of 150 days; emergency expired December 17, 1995; amended at 20 Ill. Reg. 276, effective January 1, 1996; emergency amendment at 20 Ill. Reg. 6581, effective April 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13039, effective September 25, 1996; amended at 21 Ill. Reg. 17049, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 85.5 Definitions

Definitions for the rules of this Part are located in the general definitions Section (8 Ill. Adm. Code 20.1) and apply to the rules of this Part. The following definitions shall also apply to the rules of this Part:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; 1998 ~~1996~~).

"Exposed to" means that an animal that has come in contact with another animal or environment that is capable of transmitting a contagious, infectious or reportable disease. An animal will no longer be considered as "exposed to" when it is beyond the standard incubation time for the disease and the animal has been tested negative for the specific disease or there is no evidence that the animal is contagious, except for animals exposed to Johne's disease. Animals originating from a herd where Johne's disease has been diagnosed will be considered no longer "exposed to" with a negative test. The negative test must have been conducted within 30 days prior to the sale or movement.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10 - 71.12; 1998 ~~1997~~).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.20 Disposal of Sick, Diseased, or Crippled Animals at Stockyards, Auction Markets, or Marketing Centers

No person, firm, or corporation shall remove from any public stockyards, auction markets or marketing centers any sick, diseased, or crippled animals for the purpose of producing meat to be sold for human consumption, except in cases where the Department releases such animals after antemortem inspection, provided that this restriction shall not apply to any recognized slaughtering center.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.55 Scrapie in Sheep and Goats

a) No sheep or goats which are known to be from an infected or source flock as defined in the Voluntary Scrapie Flock Certification Program Standards as approved by the United States Department of Agriculture, effective October 17, 1997 ~~infected with scrapie~~ and no progeny of sheep or goats known to be from an infected or source flock ~~infected with scrapie~~ shall be transported or moved into or within the State of Illinois, except as provided in 8 Ill. Adm. Code 40.190(c).

b) Scrapie monitored herds may be established and maintained in accordance with the Voluntary Scrapie Flock Certification Program Standards.

c) When a herd has been designated as an infected or source flock, the flock will be placed under quarantine and will remain under quarantine until the flock has been depopulated or enters into the Voluntary Scrapie Flock Certification Program. No animals will be allowed to move from the quarantined flock except for slaughter or medical treatment or examination.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

a) A prior permit must be obtained from the Department before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (1998 ~~1997~~).

c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; 1998 ~~1997~~).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.80 Sheep

a) All sheep entering Illinois for breeding, exhibition or feeding purposes, except for sheep consigned directly to a livestock auction market, shall be accompanied by an official health certificate. The health certificate shall indicate the sheep were examined within 60 days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed thereto.

b) Any sheep which shows lesions of contagious ecthyma (sore mouth) or club lamb fungus disease (sheep ringworm) shall not be exhibited in the State and must be removed immediately from the exhibition area.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.100 Consignments to Stockyards, Auction Markets, Recognized Slaughtering Centers, or Marketing Centers

a) All out-of-state livestock consigned to a public stockyard, an auction market, recognized slaughtering center, or marketing center shall be accompanied from point of origin by a permit issued by the Department, or by a consignment *issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or marketing center of destination, date of shipment, and number and description of livestock* and shall not be diverted en route.

b) *A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, and the Illinois Department of Agriculture, and other officials having police powers.* [225 ILCS 640/1]

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.115 Salmonella enteritidis serotype enteritidis

a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (1998 ~~1997~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.

b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).

c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.

d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:

1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;

2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;

3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. S. Enteritidis Monitored" for egg type birds and "U.S. S. Enteritidis Clean" for meat type birds under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147; 1998 ~~1997~~);

4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d); 1998 ~~1997~~);

5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the

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meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;

6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and

7) Replacement poultry shall be from flocks that are classified "U.S. S. Enteritidis Monitored" or "U.S. S. Enteritidis Clean" under the National Poultry Improvement Plan and Auxiliary Provisions.

e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:

1) Initial purchase price of each bird;

2) Age of the bird and its egg production capabilities or value for producing progeny; and

3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.

f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 85.120 Cervidae

a) Elk entering Illinois shall be negative to a brucellosis card test or PCFIA test conducted within 60 days on all animals 6 months of age and over.

b) Certified brucellosis-free cervid herds shall be established and maintained in accordance with the Brucellosis Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228; 1997) and the United States Department of Agriculture.

c) All cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

d) All cervidae entering Illinois must be accompanied by a permit from the Department and Certificate of Veterinary Inspection that:

1) has been issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;

2) is approved by the Animal Health Official of the state of origin;

3) shows that the cervidae are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;

4) shows that the cervidae are not originating from a herd under

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quarantine for any contagious, infectious or communicable disease;

5) lists the cervid's unique individual identification (approved ear tag, tatoo or microchip);

6) shows the permit obtained from the Department:

A) Applicant for permit shall furnish the following information to the Department:

i) Name and post office mailing address of Illinois destination;

ii) Name and post office mailing address of consignor; and

iii) Number of cervidae in shipment.

B) Grounds for refusal to issue permit are:

i) Violation of the Act or this Part;

ii) Presence of a disease that might endanger the Illinois livestock industry;

iii) Refusal to provide required information for the permit.

C) Permits will be issued by telephoning or writing the Department.

e) Chronic wasting disease (CWD). Any cervid dying from an unknown cause and that has exhibited a neurological disorder must have its brain removed for CWD evaluation. Any cervid exhibiting symptoms of CWD must be kept separate and apart from other members of the herd and will be quarantined until the animal is either destroyed or determined not to have CWD. Animals quarantined for CWD will be subject to periodic inspection by Department personnel.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Feeder Swine Dealer Licensing

2) Code Citation: 68 Ill. Adm. Code 590

3) Section Number: 590.60 — Proposed Action: Amended

4) Statutory Authority: Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620]

5) A Complete Description of the Subjects and Issues Involved: Section 590.60 is being amended to state that Department of Agriculture inspectors can make photocopies of all licensed feeder swine dealer records.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m. Department of Agriculture Building 8th & Sangamon, State Fairgrounds Springfield, Illinois

Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of

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Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Feeder swine dealers.

B) Reporting, bookkeeping or other procedures required for compliance: Department inspectors can make copies of feeder swine dealer records as necessary.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER II: DEPARTMENT OF AGRICULTURE

PART 590
FEEDER SWINE DEALER LICENSING

Section
590.5 Definitions
590.10 Permanent Place of Business
590.20 Agents (Repealed)
590.30 Imported Feeder Swine
590.40 Ear Tagging (Repealed)
590.50 Duties of a Licensed Swine Dealer
590.60 Maintenance of Records
590.70 Surety Bonds (Repealed)
590.80 Surety Bonds and Other Pledged Securities
590.90 Feeder Swine Purchase and Movement Restrictions
590.100 License Application

AUTHORITY: Implementing and authorized by the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620].

SOURCE: Rules and Regulations Relating to Feeder Swine Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; filed July 18, 1972, effective July 28, 1972; Authority Note amended 2 Ill. Reg. 34, p. 177, effective August 24, 1978; codified at 5 Ill. Reg. 10571; amended at 10 Ill. Reg. 10087, effective May 21, 1986; amended at 18 Ill. Reg. 1865, effective January 24, 1994; amended at 20 Ill. Reg. 1532, effective January 12, 1996; amended at 21 Ill. Reg. 17068, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 590.60 Maintenance of Records

Records and premises shall be open during regular business hours for inspection by authorized Department inspectors. Department inspectors are authorized to make photocopies of any and all records as necessary.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Hatcheries, Poultry Flocks, and Produce Thereof

2) Code Citation: 8 Ill. Adm. Code 55

3)

Section Number:	Proposed Action:
55.10	Amended
55.40	Amended
55.45	Amended
55.50	Amended
55.90	Amended

4) Statutory Authority: Poultry Inspection Act [510 ILCS 85]

5) A Complete Description of the Subjects and Issues Involved: References to the Code of Federal Regulations are being updated to the 1998 edition of that publication.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking

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will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Poultry producers.

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 55
HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF

Section
55.5 Definitions
55.10 Shipments of Poultry or Hatching Eggs
55.20 Infected Flock
55.30 Classification of Flock
55.40 Breeding Poultry
55.45 Turkeys
55.50 Persons Who May Perform the Test
55.60 Inspection
55.70 Show and Exhibition Birds
55.80 Banding
55.90 Sanitation
55.100 Administrative Hearing

AUTHORITY: Implementing and authorized by the Poultry Inspection Act [510 ILCS 85].

SOURCE: Regulations Relating to Hatcheries, Poultry Flocks, and the Produce Thereof, filed January 17, 1972, effective January 27, 1972; amended at 3 Ill. Reg. 33, p. 343, effective August 17, 1979; codified at 5 Ill. Reg. 10446; amended at 8 Ill. Reg. 5929, effective April 23, 1984; amended at 9 Ill. Reg. 18423, effective November 19, 1985; amended at 16 Ill. Reg. 11766, effective July 8, 1992; amended at 20 Ill. Reg. 1537, effective January 12, 1996; amended at 22 Ill. Reg. _____, effective _____.

Section 55.10 Shipments of Poultry or Hatching Eggs

a) All shipments of poultry or hatching eggs entering or moving within Illinois shall:
   1) be accompanied by a "Report of Sales of Hatching Eggs, Chicks and Poults" (VS Form 9-3); or
   2) be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry originated from a flock that has been tested for pullorum and typhoid diseases within one year and was free of reactors to these diseases.

b) In addition to the above requirements, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. S. Enteritidis requirements under the National Poultry Improvement Plan (9 CFR 145, 1998 ~~1995~~) and

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Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147, 1998 ~~1995~~). Incorporation of federal rules does not include later amendments or editions.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 55.40 Breeding Poultry

a) All breeding poultry (20 weeks of age or older) must be tested and comply with the National Poultry Improvement Plan (9 CFR 145 (1998) ~~(1995)~~) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147 (1998) ~~(1995)~~) for pullorum-typhoid. The Department participates in the National Poultry Improvement Plan as an Official State Agency cooperating through a Memorandum of Understanding. Incorporation of federal rules does not include later amendments or editions.

b) The Department only requires compliance with the expressed requirements of the National Poultry Improvement Plan in order for a participant to be in compliance with the Plan, except as provided for in this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 55.45 Turkeys

a) All turkeys entering Illinois and not consigned to slaughter must originate from flocks or hatcheries that are officially classified as U. S. Mycoplasma Gallisepticum Clean in accordance with the provisions of the National Poultry Improvement Plan (9 CFR 145.43(c) (1998) ~~(1995)~~) or be negative to a test for Mycoplasma gallisepticum within 30 days prior to entry. Incorporation by reference shall not include later amendments or editions beyond the date specified.

b) Hatching eggs entering Illinois shall originate from hatcheries or flocks that are officially classified as U. S. Mycoplasma Gallisepticum Clean.

c) Turkeys and hatching eggs entering Illinois shall be accompanied by a health certificate which shall indicate either that the turkeys are negative to a test for Mycoplasma gallisepticum or that they originated from U. S. Mycoplasma Gallisepticum Clean flocks or hatcheries.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 55.50 Persons Who May Perform the Test

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Persons officially approved by the Department may perform the stained-antigen, rapid, whole-blood test for pullorum-typhoid. Approval shall be given by the Department after the applicant has orally described and physically demonstrated proper testing procedures (found at 9 CFR 147.3 (1998) ~~(1995)~~) to Department inspectors, veterinarians or laboratory personnel and has correctly interpreted test results. Each individual authorized to perform the test in the State will be sent a card showing their authorization to perform the test.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 55.90 Sanitation

Participants in the National Poultry Improvement Plan shall comply with the sanitation requirements prescribed in Subpart C of 9 CFR 147 (1998) ~~(1995)~~, except that the Department accepts any fumigant that is registered by the United States Environmental Protection Agency and for which the manufacturer's label specifies the product is for egg sanitation or cleaning of poultry equipment.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Bovidae and Cervidae Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3)

Section Number:	Proposed Action:
80.130	Amended
80.140	Amended

4) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35]

5) A Complete Description of the Subjects and Issues Involved: In Section 80.130, the reference to the Code of Federal Regulations is being updated to the most recent edition (1998) of that publication. Types of identification for cervidae are being updated in Section 80.140. A change to the Uniform Methods and Rules for Tuberculosis-Free Cervidae Herds that requires two annual herd tests for newly assembled herds on premises where a tuberculosis herd has been depopulated is being adopted in Section 80.140.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the Illinois Register. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

DEPARTMENT OF AGRICULTURE

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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Cervid producers.

B) Reporting, bookkeeping or other procedures required for compliance: Newly assembled herds on premises where a tuberculosis herd has been depopulated will be required to have two annual herd tests as required by federal regulations.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 80
ILLINOIS BOVIDAE AND CERVIDAE TUBERCULOSIS ERADICATION ACT

Section
80.10 Requirements for Illinois Tuberculosis-Free Accredited Cattle and Bison Herds
80.20 When Indemnity Will Be Paid on Tests
80.30 Herds Quarantined Because of Suspected Tuberculosis Infection
80.40 Identification Tags Not To Be Removed
80.50 Infected Herd Depopulation (Repealed)
80.60 Cattle for Immediate Slaughter (Repealed)
80.70 Feeding or Grazing Cattle (Repealed)
80.80 Female Cattle--Beef Breeds--18 Months and Over (Repealed)
80.90 Sale of Quarantined Feeding or Grazing Cattle (Repealed)
80.100 Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110 Dairy or Beef Cattle, Bison or Steers
80.120 Tuberculin Tests
80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds
80.140 Cervidae

AUTHORITY: Implementing and authorized by the Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35].

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990; amended at 21 Ill. Reg. 17070, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 80.130 Establishing and Maintaining Accredited Tuberculosis-Free Goat Herds

a) General Requirements
1) Accredited tuberculosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the

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procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective June 1997, Part III B, Accredited Herd Plan for Dairy Goats (9 CFR 77.1, 1998 ~~1997~~), shall be issued by the Department. This incorporation by reference does not include any future editions or amendments beyond the date specified.
2) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
3) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
4) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.
5) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.

b) To Qualify for Accreditation
1) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
2) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Department by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative cervical test to retest the animal within 10 days after the original injection. If the animal is identified as a reactor as a result of the comparative cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of reactor animals, and conduct additional tests on members of the herd.

c) To Qualify for Reaccreditation
1) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Department shall extend accreditation for 12 months from the anniversary date.
2) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the accreditation period will be 12 months from the anniversary date.
3) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.
4) If a reaction to the tuberculin test is disclosed at the time of the reaccreditation test, the procedure outlined in subsection

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(b)(2) of this Section shall be followed.

d) Additions to Accredited Tuberculosis-Free Herds
   1) Animals originating from other accredited herds may be added without tests.
   2) Animals originating from herds not accredited may be added, provided they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.
   3) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 80.140 Cervidae

a) All cervidae entering Illinois shall comply with the following:
   1) Be negative to two single cervical tests using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours, no less than 90 days apart, with the second test conducted within 90 days prior to the movement, for all animals 12 months of age and over that were isolated from all other members of the herd during the testing period, unless they originate from an accredited, qualified or monitored herd:
      A) Cervidae from an accredited herd may be moved into Illinois without further tuberculosis testing provided that they are accompanied by a certificate stating that such cervidae originated from an accredited herd.
      B) Cervidae originating from qualified or monitored herds may enter Illinois with a negative test within 90 days prior to importation and a certificate stating that the animals originate from a monitored herd.
      C) Institutions that have been accredited by the American Zoo and Aquarium Association (AZAA) are exempt from these requirements when movement is between accredited member facilities. All other movement from AZAA-accredited members must comply with these movement requirements.
   2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days prior to importation.
   3) Be individually identified by an approved eartag, microchip or tattoo.
   4) Be accompanied by a permit obtained from the Department as follows:
      A) Applicant for permit shall furnish the following information

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to the Department:
      i) Name and post office mailing address of Illinois destination;
      ii) Name and post office mailing address of consignor;
      iii) Number of cervidae in shipment.
   B) Grounds for refusal to issue permit are:
      i) Violation of the Act or any rule of this Part;
      ii) Presence of a disease which might endanger the Illinois livestock industry;
      iii) Refusal to provide required information for the permit.
   C) Permits will be issued by telephoning or writing the Department.

b) Accredited, qualified and monitored tuberculosis-free cervidae herds shall be established and maintained in accordance with the Uniform Methods and Rules for Tuberculosis Eradication in Cervidae as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228 (effective May 15, 1994 including 1996 amendments and *Federal Register*, Vol. 63, No. 35, February 23, 1998, pages 8837-8840)) and/or the United States Department of Agriculture. This incorporation by reference does not include any future editions or amendments beyond the date specified.

c) Cervidae entering Illinois must also be in compliance with the Illinois Wildlife Code [520 ILCS 5].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3)

Section Number:	Proposed Action:
115.10	Amended
115.40	Amended
115.80	Amended
115.100	Amended

4) Statutory Authority: Illinois Pseudorabies Control Act [510 ILCS 90]

5) A Complete Description of the Subjects and Issues Involved: References to the Code of Federal Regulations have been updated to the 1998 edition in Sections 115.10 and 115.100. The current edition of the Pseudorabies Eradication State-Federal-Industry Program Standards is being updated in Section 115.80. In Section 115.40(a)(4), the testing requirements for establishing a qualified pseudorabies negative herd without a complete herd test are being amended.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the

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public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Swine producers.

B) Reporting, bookkeeping or other procedures required for compliance: The time frame for the testing requirements for establishing a qualified pseudorabies negative herd without a complete herd test are being amended from "within 30 days" to "within 21-45 days" after arrival.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
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PART 115
ILLINOIS PSEUDORABIES CONTROL ACT

Section
115.10 Definitions
115.15 Incorporation by Reference
115.20 Pseudorabies Quarantines
115.30 General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Vaccinated and Feeder Swine Pseudorabies Monitored Herds
115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
115.50 Requirements for Establishing and Maintaining Pseudorabies Qualified-Negative Gene-Altered Vaccinated (QNV) Swine Herds
115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
115.70 Pseudorabies Test Requirements for Intrastate Movement
115.80 Pseudorabies Testing of Feeder Swine
115.90 Feeder Swine
115.100 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act [510 ILCS 90].

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. 11781, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5906, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 14006, effective August 16, 1993; amended at 20 Ill. Reg. 1542, effective January 12, 1996; amended at 21 Ill. Reg. 904, effective January 7, 1997; amended at 21 Ill. Reg. 17079, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 115.10 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Pseudorabies Control Act [510 ILCS 90].

"Official random-sample test (95/5)" means a sampling procedure

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utilizing official pseudorabies serologic tests that provide a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each separated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 45
100-200 head - test 51
201-999 head - test 57
1000 and over - test 59

"Official random-sample test (95/10)" means a sampling procedure utilizing official pseudorabies serologic tests that provide a 95 percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head - test 25
100-200 head - test 27
201-999 head - test 28
1000 and over - test 29

"Official test" or "test" means any serologic test for the detection of pseudorabies (serum neutralization (SN), for example) as approved by the United States Department of Agriculture (9 CFR 85.1, 1998 ~~1997~~) and conducted in an approved laboratory.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds

a) Initial Requirements:
1) Herds which are not under quarantine for pseudorabies shall be initially qualified upon completion of one negative herd test of all breeding swine 6 months of age and over plus a number of progeny equal to 20 percent of the breeding swine population of the herd. Progeny shall be randomly selected from the swine between 4 and 6 months of age.
2) A minimum of 90 percent of the herd shall have been on the premises for at least 60 days OR shall have originated direct from another qualified pseudorabies negative herd.
3) If positive swine are disclosed in a herd in the process of becoming a qualified pseudorabies negative herd, the positive animals shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR be maintained on another

premises separate and apart from that where the negative swine are maintained. The herd shall then be recognized as a qualified pseudorabies negative herd when it has complied with the provisions of Section 115.40(a)(1).

4) A qualified pseudorabies negative herd may be established without a complete herd test if all the swine originate from qualified pseudorabies negative herds and, within 21-45 ~~30~~ days after arrival, all swine in the initial shipment (up to 50 animals) are tested and found negative.

b) Maintenance Requirements:

1) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this shall be accomplished by testing 20 percent of swine 6 months of age and over and a number of offspring 4 to 6 months of age located on the same premises as the breeding herd equal to 6 percent of the breeding animals in the herd every 80 to 105 days and finding all swine so tested negative, or by testing 7 percent of all breeding swine 6 months of age or older, and a test of the offspring 4 to 6 months of age located on the same premises equal to 2 percent of the breeding animals in the herd each month and finding all swine so tested negative). If the members of the qualified herd are maintained on more than one premises, 20 percent plus progeny or 7 percent plus progeny of the swine on each premises shall be retested as required. If the retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification. Upon approval from the Director, status may also be maintained on the basis of a monthly negative official random-sample test (95/5) in each separate population of breeding swine on a premises, and a monthly test of 50 offspring 4 to 6 months of age located on the same premises as the breeding herd. Sampling in the population must be random, and the test protocol in the herd must be part of the approval. Progeny must be selected at random from all groups on the premises.

2) If positive swine are disclosed on a requalification test, or on a test for any other purpose, the positive swine shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The infected premises or portions thereof shall be cleaned and disinfected. Such herd may again be recognized as a qualified pseudorabies negative herd upon completion of a negative herd test of all swine in the herd 6 months of age and over and an official random-sample test (95/10) of progeny 2-6 months of age conducted not less than 30 days after the last infected swine have been removed and the premises cleaned and disinfected.

c) Additions:

1) Swine originating in another qualified pseudorabies negative herd may enter Illinois qualified pseudorabies negative herd without test.

2) Swine originating from other than a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted not more than 30 days prior to entry into the herd, shall be held in isolation from the other members of the qualified herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry.

3) Members of a qualified pseudorabies negative herd which are exhibited or are otherwise commingled with swine from non-qualified pseudorabies negative herds shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the qualified herd.

d) Establishing and maintaining a qualified pseudorabies negative growout premises on which no adult breeding swine are maintained.

1) In herds where the pigs are moved within one week after weaning from a pseudorabies negative herd to either a growout or sales point, a pseudorabies test is not required.

2) Pseudorabies negative status may be attained in the growout facility by a monthly negative random-sample test (95/5) beginning within 30 days after the establishment of the herd, except that in all-in/all-out units, one test of 50 head is required of each group. If the breeding herd, growout and sales point herd are all located in Illinois, testing is not required.

3) Pseudorabies negative status is attained in the sales point herd by a negative official pseudorabies test of the entire initial shipment or 50 head selected at random, whichever is less. Pseudorabies negative status may be maintained by monthly negative official pseudorabies test of 50 swine selected at random from those that have been in the herd at least 30 days, except that in all-in/all-out units, one test of 50 head is required of each group. Each segregated group of swine on an individual premises must be considered a separate herd.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.80 Pseudorabies Testing of Feeder Swine

a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

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1) The swine are from a qualified pseudorabies negative herd, a QNV herd, or a feeder swine pseudorabies monitored herd; or
2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or
3) The swine originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (Jan.~~1~~ 1998 ~~1997~~) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) shall be included in the representative sample required in subsection (a)(2).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 115.100 **Breeding Animals Consigned to Slaughter**

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 1998 ~~1997~~). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Livestock Auction Markets

2) Code Citation: 8 Ill. Adm. Code 40

3)

Section Number:	Proposed Action:
40.120	Amended
40.130	Amended
40.170	Amended

4) Statutory Authority: Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23]

5) A Complete Description of the Subjects and Issues Involved: Section 40.120 will be amended to limit the feeder cattle subject to quarantine to those originating from non-Stage Free states. The color yellow will be deleted from Section 40.130 as any color crayon or paint will be acceptable. The 1998 edition of the Pseudorabies Eradication State-Federal-Industry Program Standards will be adopted in Section 40.170.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

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In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock auction markets; cattle producers; livestock dealers.

B) Reporting, bookkeeping or other procedures required for compliance: There will be a reduction in paperwork for auction markets with the amendment in Section 40.120.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
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(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

Section
40.5 Definitions
40.10 Fee to Accompany Application Not To Be Refunded
40.20 Release of Livestock for Interstate Shipment
40.30 Veterinary Inspection
40.40 Veterinary Office
40.50 Detection of Diseased Animals
40.60 Bovine Brucellosis
40.70 Quarantine Pen
40.80 The Sale of Livestock for Immediate Slaughter
40.90 Test Chute
40.100 Brucellosis Test
40.110 Sale of Official Brucellosis Calfhood Vaccinates
40.120 Feeder Cattle Subject to Quarantine
40.130 Backtagging
40.140 Yarding and Housing
40.150 Display License (Repealed)
40.160 Sale Day
40.170 Swine
40.180 Swine Which React to Test for Brucellosis
40.190 Sheep
40.200 Surety Bonds and Other Pledged Security
40.210 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220 Swine Movement Limitations (Repealed)
40.230 Disposition of Rejected Feeding or Breeding Swine
40.240 Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law [225 ILCS 640] and Section 40.23 of the Civil Administrative Code of Illinois [20 ILCS 205/40.23].

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; amended at 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. 11793, effective July 8, 1992; amended at 18 Ill. Reg. 1869, effective January 24, 1994; amended at 20

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Ill. Reg. 1546, effective January 12, 1996; amended at 20 Ill. Reg. 16192, effective January 1, 1997; amended at 21 Ill. Reg. 17085, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 40.120 Feeder Cattle Subject to Quarantine

All female cattle of beef breeds over 6 and under 18 months of age from states that are not brucellosis Class Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992, as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CFR 78.1 (1998) sold or released from a livestock auction market for feeding or grazing purposes are subject to quarantine (8 Ill. Adm. Code 75.130) and shall be reported on Form M-107 Revised to the Department following each sale or at the end of each week.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 40.130 Backtagging

All cattle over 2 years of age consigned to a livestock auction market shall comply with the Market Cattle Identification Program as follows:

a) Each animal shall be backtagged with an official Illinois market cattle backtag.

b) Cattle that are blood tested for brucellosis by the livestock auction market veterinarian shall have the backtag marked through with a ~~yellow~~ crayon or ~~yellow~~ paint.

c) Report of such backtagging on forms provided by the United States Department of Agriculture shall be submitted to the Department within 7 days of backtag application.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 40.170 Swine

a) In no case shall swine remain on the livestock auction market premises for more than 10 days.

b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be ear tagged to show state of origin, except that feeder swine consigned from the farm of origin directly to a federally approved market shall be tagged immediately upon arrival at the market. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form Z-5) to the Department, stating name and address of purchaser and number of animals purchased. Such swine shall be quarantined to the purchaser

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for 21 days by the Department (8 Ill. Adm. Code 105.20).

c) Ear tag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.

d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act [225 ILCS 95/2], all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.

e) In accordance with Section 115.70 of the regulations pertaining to the Illinois Pseudorabies Control Act (8 Ill. Adm. Code 115.70), all Illinois origin breeding swine must be accompanied by a health certificate or an official pseudorabies test chart or photocopy of such chart showing that the swine have tested negative to an official test for pseudorabies within 60 days prior to the date of such transaction with the test being recognized for one change of ownership or premises within the 60-day period, or showing that the swine originated from a qualified pseudorabies negative herd, or showing that the swine are unvaccinated swine originating from an Illinois pseudorabies negative gene-altered vaccinated herd.

f) In accordance with Section 105.30 of the regulations pertaining to the Swine Disease Control and Eradication Act (8 Ill. Adm. Code 105.30), the official health certificate shall show that any breeding swine entering Illinois must be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry, or that the swine originated from a qualified pseudorabies negative herd with the qualified herd number and qualification date listed on the health certificate, or that the swine originated from a country that meets the requirements for Stage V, or from a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1998 ~~1, 1997~~) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). (This incorporation by reference does not include any amendments or editions beyond the date specified.) If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Livestock Dealer Licensing

2) Code Citation: 68 Ill. Adm. Code 610

3)

Section Number:	Proposed Action:
610.10	Amended
610.50	Amended
610.80	Amended
610.100	Amended

4) Statutory Authority: Illinois Livestock Dealer Licensing Act [225 ILCS 645]

5) A Complete Description of the Subjects and Issues Involved: The requirement to file the Form M-106 Weekly Report of out-of-state livestock sales is being deleted from Section 610.10 as it is no longer necessary. In Section 610.50, the requirement for Form M-107 Weekly Report of Sale of Feeder Cattle will be restricted only to imported female feeder cattle between 6-18 months of age from states that are not brucellosis Class-Free under the Brucellosis Eradication Uniform Methods and Rules and 9 CFR 78.1. Section 610.80 is being amended to allow Department inspectors to make photocopies of the livestock dealer's records as necessary. In Section 610.100, cattle moving directly from the farm of origin to an auction market or marketing center that have not been commingled with other animals will be allowed to be backtagged at the auction market or marketing center.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Department of Agriculture
State Fairgrounds, P.O. Box 19281
Springfield IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Livestock dealers.

B) Reporting, bookkeeping or other procedures required for compliance: Paperwork is being reduced for livestock dealers with the proposed changes in Sections 610.10 and 610.50. Tagging requirements are made easier for livestock dealers with the change in Section 610.100. Department inspectors can make photocopies of livestock dealer records as necessary.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER II: DEPARTMENT OF AGRICULTURE

PART 610
LIVESTOCK DEALER LICENSING

Section
610.5 Definitions
610.10 Entry Requirements
610.20 Breeding Cattle Health Requirements (Repealed)
610.30 Swine Health Requirements
610.40 Prevention of Spread of Livestock Diseases
610.50 Feeder Cattle
610.60 Slaughter Animals
610.70 Care of Livestock (Repealed)
610.80 Inspection
610.90 Identification Not to be Removed or Altered
610.100 Compliance with Market Cattle Identification Program
610.110 Surety Bonds and Other Pledged Security
610.120 Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
610.130 Director as Trustee on Surety Bonds (Repealed)
610.140 Dealer's Agent (Repealed)
610.150 License Application

AUTHORITY: Implementing and authorized by the Illinois Livestock Dealer Licensing Act [225 ILCS 645].

SOURCE: Rules and Regulations Relating to the Livestock Dealer Licensing Act, filed January 17, 1972, effective January 27, 1972; amended May 3, 1972, effective May 13, 1972; June 20, 1973, effective July 1, 1973; April 5, 1976, effective April 15, 1976; amended at 2 Ill. Reg. 34, p. 166, effective August 24, 1978; codified at 5 Ill. Reg. 10573; amended at 8 Ill. Reg. 5973, effective April 23, 1984; amended at 13 Ill. Reg. 3690, effective March 13, 1989; amended at 18 Ill. Reg. 1875, effective January 24, 1994; amended at 20 Ill. Reg. 1552, effective January 12, 1996; amended at 20 Ill. Reg. 16197, effective January 1, 1997; amended at 21 Ill. Reg. 17091, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 610.10 Entry Requirements

All livestock imported into the State shall meet Illinois entry requirements as may be set forth in those Acts listed in Section 19.1 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/19.1]. ~~Livestock dealers shall submit to the Department, on Department Form M-106, weekly reports of all out-of-state livestock.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 610.50 Feeder Cattle

Livestock dealers purchasing animals for feeding purposes shall:

a) Keep such cattle separate from breeding cattle.

b) Submit to the Department a weekly report (on Department Form M-107) of the sale of all out-of-state female feeder cattle over 6 and under 18 months of age from states that are not brucellosis Class-Free under the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228, May 6, 1992, as amended February 2, 1993 and June 16, 1994) and the United States Department of Agriculture and/or 9 CRF 78.1 (1998), giving the date of each sale, number sold, age, breed, and the name and address of the purchaser.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 610.80 Inspection

Records and premises shall be open for inspection during regular business hours by authorized Department inspectors. Department inspectors are authorized to make photocopies of any and all records as necessary.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 610.100 Compliance with Market Cattle Identification Program

All female cattle over 2 years of age consigned to a livestock auction market shall comply with the Market Cattle Identification Program as follows:

a) Each animal shall be backtagged by the livestock dealer with an official market cattle backtag.

b) Reports of such backtagging shall be submitted to the Department on forms provided by the United States Department of Agriculture within 7 days of application of the backtag.

c) Cattle moving directly from the farm of origin to an auction market or marketing center without commingling with other animals can be tagged at the auction market or marketing center.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Swine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 100

3) Section Number: 100.30 — Proposed Action: Amended

4) Statutory Authority: The Illinois Swine Brucellosis Eradication Act [510 ILCS 95], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved: References to the Code of Federal Regulations are being updated to the 1998 edition of that publication.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day this notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of

DEPARTMENT OF AGRICULTURE

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Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Swine producers

B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required

C) Types of professional skills necessary for compliance: No additional professional skills are necessary

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 100
SWINE BRUCELLOSIS

Section
100.10 Requirements for Establishing and Maintaining Validated Brucellosis-Free Herds of Swine
100.20 Brucellosis Reactors Disclosed in Non-Validated Swine Herds
100.30 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Swine Brucellosis Eradication Act [510 ILCS 95], the Illinois Pseudorabies Control Act [510 ILCS 90] and the Illinois Diseased Animals Act [510 ILCS 50]

SOURCE: Adopted at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; codified at 5 Ill. Reg. 10460; amended at 7 Ill. Reg. 871, effective January 10, 1983; amended at 11 Ill. Reg. 10531, effective May 21, 1987; amended at 12 Ill. Reg. 3432, effective January 22, 1988; amended at 14 Ill. Reg. 1953, effective January 19, 1990; amended at 20 Ill. Reg. 1557, effective January 12, 1996; amended at 22 Ill. Reg. _____, effective _____.

Section 100.30 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag (9 CFR 78.33, 1998 ~~1995~~). Incorporation by reference does not include any later amendments or editions beyond the date specified. A report of such identification (9 CFR 78.33(d), 1998 ~~1995~~) shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Department within 30 days of application.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Swine Disease Control and Eradication Act

2) Code Citation: 8 Ill. Adm. Code 105

3)

Section Number:	Proposed Action:
105.5	Amended
105.10	Amended
105.30	Amended
105.90	Amended

4) Statutory Authority: Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

5) A Complete Description of the Subjects and Issues Involved: The definition of "site tatoo" is being amended in Section 105.5 to include a slap tatoo. Sections 105.10 and 105.30 are being amended to adopt the 1998 Pseudorabies Eradication State-Federal-Industry Program Standards. Section 105.30 is being amended to recognize split state status for states that are Stage III and above, and "ear tag" is being amended to "an approved ear tag". References are being updated to the 1998 edition of the Swine Brucellosis Eradication Uniform Methods and Rules in Section 105.30. Section 105.30 is also being amended to change the retesting for pseudorabies of imported breeding swine from Stage III states and below to 21 to 60 days post importation. In Section 105.90, the age restriction for brucellosis testing of feral swine is being removed, and feral swine will have to be retested for pseudorabies within 21 to 60 days post importation.

6) Will this proposed rule replace an emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rule does not affect units of local governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the notice of rulemaking appears in the *Illinois Register*. In addition to the written comment period, a public hearing on the proposed amendments will be held on Wednesday, October 14, 1998 at 10:00 a.m., Department of Agriculture Building, 8th & Sangamon, State Fairgrounds, Springfield, Illinois. Please mail written comments on the proposed rulemaking to the attention of:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

Debbie Wakefield
Department of Agriculture
State Fairgrounds
P.O. Box 19281
Springfield IL 62794-9281
217/785-5713
Facsimile: 217/785-4505

In order for mailed comments to be available for consideration at the public hearing, please mail no later than October 8, 1998. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners. The public hearing on the proposed rulemaking will run concurrently with a public meeting of the Advisory Board of Livestock Commissioners.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Swine producers

B) Reporting, bookkeeping or other procedures required for compliance: In Section 105.90(d), retesting is not a new requirement; however, the time frame has been amended.

C) Types of professional skills necessary for compliance: No additional professional skills are necessary.

13) Regulatory agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105
SWINE DISEASE CONTROL AND ERADICATION ACT

Section
105.5 Definitions
105.10 Swine Entering Illinois for Feeding Purposes Only
105.20 Quarantine of Imported Feeder Swine
105.30 Swine Entering Illinois for Breeding Purposes
105.40 Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
105.41 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.42 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
105.44 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
105.46 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
105.50 Official Pseudorabies Test (Repealed)
105.60 Pseudorabies Test Requirements for Intrastate Movement (Repealed)
105.70 Pseudorabies Testing of Feeder Swine (Repealed)
105.80 Feeder Swine (Repealed)
105.90 Feral Swine

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act [510 ILCS 100], the Illinois Pseudorabies Control Act [510 ILCS 90], and the Illinois Swine Brucellosis Eradication Act [510 ILCS 95].

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; amended at 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. 11799, effective July 8, 1992; emergency amendment at 17 Ill. Reg. 5910, effective March 17, 1993, for a maximum of 150 days; amended at 17 Ill. Reg.

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14010, effective August 16, 1993; amended at 18 Ill. Reg. 1880, effective January 24, 1994; amended at 18 Ill. Reg. 17968, effective January 1, 1995; amended at 20 Ill. Reg. 1563, effective January 12, 1996; amended at 21 Ill. Reg. 917, effective January 7, 1997; amended at 21 Ill. Reg. 17094, effective January 1, 1998; amended at 22 Ill. Reg. _____, effective _____.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act [510 ILCS 100].

"Feral swine" mean swine that have lived any part of their lives free roaming. Swine may lose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

"Site tattoo" means a permanent mark applied in the right ear or a slap tattoo on the right shoulder showing a unique number giving state and herd of origin. The unique number shall be assigned and approved by the Chief Animal Health Official of the state of origin or by the Federal Veterinarian in charge for that state.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag or site tattoo in the right ear showing state of origin and accompanied by a permit from the Department and an official health certificate.
b) Official health certificate shall:
   1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
   2) Be approved by the Animal Health Official of state of origin;
   3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
   4) Show that the feeder swine are not from a quarantined herd and/or area;
   5) List number and description of the feeder swine, site tattoos, ear tag series or location of ear tag records when pigs originate

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from cooperative feeder pig sales; and
   6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80), originate from a qualified pseudorabies negative or pseudorabies negative gene-altered vaccinated herd or originate from a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1998 ~~1997~~) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) or originate from a country that meets the requirements for Stage V. This incorporation by reference does not include any future editions or amendments beyond the date specified. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state.

c) Permits:
   1) Permits to import feeder swine shall only be issued to:
      A) An Illinois licensed feeder swine dealer; and
      B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.
   2) Applicant for permit shall furnish the following information to the Department:
      A) Name and complete mailing address of Illinois destination.
      B) Name and address of consignor.
      C) Number of swine in shipment.
   3) Grounds for refusal to issue a permit are:
      A) Violation of the Act or any rule of this Part.
      B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620] and his or her license is not in good standing with the Department.
      C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 105.30 Swine Entering Illinois for Breeding Purposes

a) Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by a permit from the Department and an official health certificate.
b) Official health certificate shall:
   1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
   2) Be approved by the Animal Health Official of the state of origin;

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3) Identify each animal by registration number, approved ear tag, breed registry tattoo, or ear notch approved by the respective breed registry;
4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
5) Show that the swine are not from a quarantined herd and/or area;
6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free state (Swine Brucellosis Eradication Uniform Methods and Rules (April 1998: ~~February--1995~~; as approved by the United States Animal Health Association, P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228)). Incorporation by reference does not include any amendments or editions beyond the date specified; and
7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a country that meets the requirements for Stage V or from a state that has been classified as Stage IV or State V under the Pseudorabies Eradication State-Federal-Industry Program Standards (January 1998 ~~1997~~) as approved by the United States Animal Health Association (P.O. Box K227, Suite 114, 1610 Forest Avenue, Richmond, Virginia 23228). If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above. Incorporation by reference does not include any amendments or editions beyond the date specified.

c) Permits:
1) Permits to import breeding swine shall be issued by telephoning or writing the Department.
2) Applicant for permit shall furnish the following information to the Department:
Name and complete mailing address of Illinois destination;
Name and address of consignor; and
Number of swine in shipment.
3) Grounds for refusal to issue a permit are:
A) Violation of the Act or any rule of this Part; and
B) Presence of a disease which might endanger the Illinois swine industry.

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d) Imported breeding animals shall be kept isolated until a percentage of the imported breeding swine are retested and negative to an official test for pseudorabies conducted not less than 21 days nor more than 60 90 days after entering Illinois. If the number of imported breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 imported breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested. Swine originating from a country that meets the requirements for Stage V or a state that has been classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards are exempt from the isolation and retest provisions. If there are multiple pseudorabies classifications within a state, the lowest classification shall be recognized by this Department as the classification for that entire state if the state is split with a classification of Stage III and below. Split state status will be recognized for split III/IV and above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 105.90 Feral Swine

a) Feral swine may enter Illinois for any reason provided they are accompanied by a permit from the Department and an official health certificate.
b) The official health certificate shall:
1) be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;
2) be approved by the Animal Health Official of the state of origin;
3) identify each animal by ear tag;
4) show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
5) show the swine are not from a quarantined herd and/or area;
6) show any swine ~~more than 4 months of age~~ to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry; and
7) show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry.

c) Permits:
1) Permits to import feral swine shall be issued by telephoning or writing the Department.
2) Applicant for permit shall furnish the following information to the Department:
Name and mailing address of Illinois destination;
Name and address of consignor; and

DEPARTMENT OF AGRICULTURE

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Number of swine in shipment.

3) Grounds for refusal to issue a permit are:
   A) Violation of the Act or any rule of this Part;
   B) Presence of a disease which might endanger the Illinois swine industry.

d) A percentage of the swine shall be retested and negative to an official test for pseudorabies conducted not less than 21 ~~30~~ days nor more than 60 ~~90~~ days after entering Illinois. If the number of animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Extensions of Jurisdiction

2) Code Citation: 80 Ill Adm. Code 305

3)

Section Numbers:	Proposed Action:
305.210	New
305.220	New

4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/4b]

5) A Complete Description of the Subjects and Issues Involved: This amendment extends Personnel Code jurisdiction to certain employees of the Department of Military Affairs and the Illinois Racing Board and sets forth the procedures for bringing incumbent (and currently exempt) employees under such jurisdiction. These procedures are consistent with procedures for other extensions of jurisdiction in this Part.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 305
EXTENSIONS OF JURISDICTION

Section
305.50 Extends Jurisdiction A, B & C
305.60 Extends Jurisdiction A, B & C (July 1, 1970)
305.70 Extends Jurisdiction A, B & C (July 1, 1970)
305.80 Extends Jurisdiction A, B & C (August 1, 1970)
305.90 Extends Jurisdiction A, B & C (August 1, 1971)
305.100 Extends Jurisdiction A, B & C (November 16, 1971)
305.110 Extends Jurisdiction A, B & C (April 1, 1972)
305.120 Extends Jurisdiction A, B & C (May 1, 1972)
305.130 Extends Jurisdiction A & C (October 1, 1972)
305.140 Extends Jurisdiction A & C (October 1, 1972)
305.150 Extends Jurisdiction A, B and C (November 1, 1972)
305.160 Extends Jurisdiction B, Except 8b.1, 8b.3 and 8b.5 (January 1, 1973)
305.170 Extension of Jurisdiction
305.180 Termination of Extension of Jurisdiction
305.190 Extension of Jurisdiction
305.200 Third Extension of Jurisdiction to Office of the Treasurer
305.210 Extends Jurisdiction A, B and C (December 1, 1998)
305.220 Extends Jurisdiction A, B and C (December 1, 1998)

AUTHORITY: Implementing and authorized by Section 4b of the Personnel Code [20 ILCS 415/4b].

SOURCE: Filed May 29, 1975; emergency amendment at 2 Ill. Reg. 46, p. 3, effective January 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 1, p. 61, effective January 1, 1979; codified at 7 Ill. Reg. 13214; amended at 10 Ill. Reg. 21643, effective December 15, 1986; amended at 22 Ill. Reg. _____, effective _____.

Section 305.210 Extends Jurisdiction A, B and C (December 1, 1998)

Effective December 1, 1998, Jurisdiction A, B and C of the Personnel Code will be extended to all current Military Security Guard I and II employees in the Department of Military Affairs. Employees of these positions serving prior to December 1, 1998 will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 will be made pursuant to provisions of the Illinois Personnel Code and Rules of the Department of Central Management Services.

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(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 305.220 Extends Jurisdiction A, B and C (December 1, 1998)

Effective December 1, 1998, Jurisdictions A, B and C of the Personnel Code will be extended to previously non-Code employees of the Illinois Racing Board who are in positions identified by the Board, with concurrence of the Director of Central Management Services and the Civil Service Commission, as not meeting the criteria for exemption set forth in 230 ILCS 5/9(h). Employees serving, as of December 1, 1998, in positions to which the Personnel Code is extended will be required to qualify within six months in the same kind of examination as those required for entrance examinations for comparable positions. All appointments subsequent to December 1, 1998 in such positions will be made pursuant to provisions of the Illinois Personnel Code and the Personnel Rules of the Department of Central Management Services. No provision of this Section in any way affects the status of employees already holding certified status under the Illinois Personnel Code. All other provisions of the Illinois Personnel Code and Personnel Rules of the Department of Central Management Services will apply to employees covered by the above provisions effective December 1, 1998.

(Source: Added at 22 Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL

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1) Heading of the Part: Fire Prevention and Safety

2) Code Citation: 41 Ill. Adm. Code 100

3) Section Numbers: 100.7 — Proposed Action: Amendment

4) Statutory Authority: Section 9 of the Fire Investigation [425 ILCS 25/9]

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Office is updating Part 100 to include specific requirements relative to procedures, as well as licensure and certification of personnel used to conduct structural examinations of permanently moored vessels required specifically by Section 100.7(e)(5)(H).

Original rules pertaining to safety of permanently moored vessels were promulgated by the Office of the State Fire Marshal in 1997. Section 100.7(e)(5)(H) of those rules required that permanently moored vessels undergo dry-dock and internal structural examinations, or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard. The U.S. Coast Guard has informed the Office of the State Fire Marshal that as the result of a Coast Guard policy decision, alternative methods to dry-docking are now acceptable for vessel hull inspection, including in-the-water examination methods.

Limiting hull examinations to dry-docking methods only would require larger permanently moored vessels to relocate to facilities capable of conducting such dry-dock examinations. For all permanently moored vessels this would necessarily mean relocating the vessel from its permanently moored location to a dry-dock facility. For larger permanently moored vessels, relocating to an adequately sized dry-docking facility would mean delivery of the vessel to New Orleans, Louisiana.

Therefore, to ensure the reliability of inspection/examination results required by 41 Ill. Adm. Code 100.7(e)(5)(H), the Office of the State Fire Marshal is now proposing to codify acceptable methods and levels of licensure and certifications for personnel that perform structural and hull examinations of permanently moored vessels, including alternative methods to dry-docking.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this proposed amendment contain an automatic repeal date? No

8) Does this proposed amendment contain any incorporations by reference? No

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9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not expand a mandate upon local governments, small municipalities or non-profit organizations.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Jack Ahern
Deputy State Fire Marshal
Division of Fire Prevention
Office of the State Fire Marshal
100 W. Randolph Street, Suite 11-800
Chicago IL 60601
(312) 814-2693

Comments received within 45 days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Permanently moored vessels

B) Reporting, bookkeeping or other procedures required for compliance: Permanently moored vessel owners, or those conducting inspections to comply with applicable rules for ensuring safety thereon, will be required to verify licensure and certification credentials in accordance with the proposed criteria.

C) Types of professional skills necessary for compliance: The amendment requires owners of permanently moored vessels to have hull examinations and internal structural examinations conducted under the oversight of a registered professional engineer having expertise in non-destructive testing methods and procedures as well as materials engineering experience. The inspection techniques must be under the general direction of a Level III ASNT Certified Technician. Actual inspections and measurements are required to be performed by an ASNT Level II (or higher) Certified Technician. Furthermore, the amendments require that underwater welding repairs be conducted in accordance with the standards set forth by the American Welding Society's "Specifications for Underwater Welding".

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The

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amendment is being proposed as the result of notification to the Office of the State Fire Marshall by the United States Coast Guard (USCG) of the accepted alternatives to dry-docking methods of hull examination. Section 100.7(e)(5)(H) currently allows compliance with alternative methods of hull examination "as may be deemed acceptable at the time, by the United States Coast Guard ..."

The full text of the Proposed Amendments begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100
FIRE PREVENTION AND SAFETY

Section
100.1 Introduction
100.3 Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
100.4 Building Construction Types
100.5 Fire Areas
100.7 Adoption of NFPA 101, Life Safety Code by Reference
100.110 Modification of NFPA 101 (1985) for Existing Day Care Facilities and Programs
APPENDIX A Modification of Standards Referenced in NFPA 101

AUTHORITY: Implementing and authorized by Section 9 of the Fire Investigation Act [425 ILCS 25/9].

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended January 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; emergency expired June 2, 1989; amended at 13 Ill. Reg. 12547, effective July 14, 1989; amended at 17 Ill. Reg. 19127, effective November 1, 1993; amended at 20 Ill. Reg. 13086, effective September 20, 1996; amended at 21 Ill. Reg. 8932, effective July 15, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 100.7 Adoption of NFPA 101, Life Safety Code by Reference

a) For the purposes of subsections (b) and (c) of this Section:
   1) "New facility" shall mean either a facility constructed after November 1, 1993, or any facility the occupancy (use) classification of which changes after November 1, 1993. Any alterations or installations of new equipment, either regulated by these rules or outlined in the Life Safety Code, shall be accomplished as nearly as practicable in conformance with the requirements for new construction.
   2) "Existing facilities" are those not classified as "new facilities" by subsection (a)(1) of this Section.

b) Applicable to existing facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the "Code for Safety to Life from Fire in Buildings and Structures" as published by the National Fire Protection Association (NFPA 101) 1985 edition, Life Safety Code. This incorporation does not include any later amendments or editions.

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c) Applicable to any new facilities, as defined in subsection (a) of this Section, the Office of the State Fire Marshal adopts the following provisions of the "Code for Safety to Life from Fire in Buildings and Structures" as published by National Fire Protection Association (NFPA 101) 1991 edition, Life Safety Code to the extent those provisions do not conflict with the provisions of this Part. This incorporation does not include any later amendments or editions.

Chapter 1. Administration
Chapter 2. Fundamental Requirements
Chapter 3. Definitions
Chapter 4. Classification of Occupancy and Hazard of Contents
Chapter 5. Means of Egress
Chapter 6. Features of Fire Protection
Chapter 7. Building Service and Fire Protection Equipment
Chapter 8. New Assembly Occupancies
Chapter 10. New Educational Occupancies
Chapter 12. New Health Care Occupancies
Chapter 14. New Detention and Correctional Occupancies
Chapter 16. New Hotels and Dormitories
Chapter 18. New Apartment Buildings
Chapter 20. Lodging or Rooming Houses
Chapter 22. New Residential Board and Care Occupancies
Chapter 24. New Mercantile Occupancies
Chapter 26. New Business Occupancies
Chapter 28. Industrial Occupancies
Chapter 29. Storage Occupancies
Chapter 30. Special Structures and High-Rise Buildings
Chapter 31. Operating Features
Chapter 32. Referenced Publications

d) The Life Safety Code becomes the code for Fire Prevention and Safety subject to the modifications set forth in this Part. NFPA 101, Life Safety Code (1985 and 1991 Editions) is on file with the Office of the State Fire Marshal at the following locations:

1035 Stevenson Drive
Springfield, Illinois 62703-4259

State of Illinois Building
100 W. Randolph Street
Chicago, Illinois 60601

2209 West Main Street
Marion, Illinois 62959

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Copies are available for purchase from:

National Fire Protection Association
Batterymarch Park
Quincy MA 02269

e) Modifications to the Life Safety Code
1) Child Care Facilities
A) Day Care Centers. Those facilities regulated under Chapter 10-7 (Day-Care Centers) of the Life Safety Code shall include only:
i) any facility licensed as a Day Care Center by the Department of Children and Family Services;
ii) any unlicensed facility that regularly provides day care for less than 24 hours per day for more than 8 children in a family home, or more than 3 children in a facility other than a family home;
iii) part day child care facilities, as defined in the Child Care Act of 1969.
B) Day Care Homes. Those facilities regulated under Chapter 10-9 (Family Day-Care Homes) of the Life Safety Code shall include only:
i) any facility licensed as a day care home by the Department of Children and Family Services;
ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. This subsection (e)(1)(B) does not affect facilities that receive only children from a single household.
C) Group Day Care Homes. Those facilities regulated under Chapter 10-8 (Group Day-Care Homes) of the Life Safety Code shall include only:
i) any facility licensed as a group day care home by the Department of Children and Family Services; or
ii) any unlicensed facility that is a family home that receives more than 3 up to a maximum of 16 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.
D) For purpose of determining the classification of a child care facility, current Department of Children and Family Services guidelines will be applied.
2) Child-to-Staff Ratios
Child-to-Staff ratios in day care facilities shall comply with 89 Ill. Adm. Code 406 and 407 and with the Child Care Act of 1969. Any conflicting provisions of the Life Safety Code are

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inapplicable.
3) One- and Two-Family Dwellings
Chapter 21 (One- and Two-Family Dwellings) is adopted as recommended guidelines only.
4) When clients occupy a level below the level of exit discharge in a day care home or group day care home occupancy, exiting shall be provided in accordance with the requirements of the applicable edition of the Life Safety Code, or with the following:
A) Primary Means of Egress
i) If an exit discharging directly to the outside at the basement level is not provided, and therefore occupants must traverse another level of the home to exit, the path of egress through the level of exit discharge shall be separated from the remainder of that level of the home by construction providing a minimum fire resistance rating of 1-hour, or
ii) The home shall be equipped with smoke detectors permanently powered by the building's electrical system and wired so that the actuation of one detector will actuate all the detectors in the dwelling. At least one such smoke detector shall be located on each level of the occupancy (excluding unoccupied attics), and the path of egress through the level of exit discharge (from the basement door to the exterior door of the home) must be protected by automatic fire sprinklers. Listed residential sprinklers shall be used and the installation shall be made in accordance with National Fire Protection Association Standard #13D, Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes - 1994 edition.
B) Secondary Means of Egress
If a window is used where the size is not in accordance with the applicable edition of the Life Safety Code, the owner or operator of the day care or group day care home must demonstrate to an on-site representative of the Office of the State Fire Marshal that all occupants (staff and clients) can escape through the window to the exterior of the home in 3 minutes or less. The bottom sill of any window used as a secondary means of escape shall be within 44 inches of the floor as required by the Life Safety Code, or a permanently fixed stair or ramp shall be installed at the window to allow occupants to be within 44 inches of the bottom window sill when standing atop the stair or ramp.
5) Permanently Moored Vessels
A) Occupancies located on permanently moored floating vessels are subject to compliance with the applicable occupancy chapter of the Life Safety Code, the fire safety standards

contained in National Fire Protection Association Standard 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers and Wharves (1995 edition) and the criteria listed in this Section.

B) A stability test shall be conducted by the licensee in accordance with 46 CFR, Subchapter S, Part 170, Subpart F. In lieu of a stability test, the licensee may elect to perform a Deadweight Survey to determine the Lightweight Displacement and Longitudinal Center of Gravity. The Vertical Center of Gravity shall be determined by a conservative estimate, subject to approval by a marine authority acceptable to the Office of the State Fire Marshal.

C) The intact stability characteristics for each vessel must comply with the following criteria:

i) 46 CFR, Subchapter S, Part 170, Subpart E, Sections 170.160, 170.170, and 170.173.

ii) In lieu of compliance with Section 170.173, the licensee may elect to comply with alternate criteria for Vessels of Unusual Proportion and Form, as may be acceptable to the United States Coast Guard at that time, for certified passenger vessels.

iii) 46 CFR, Subchapter S, Part 171, Subpart E, Section 171.050.

D) All permanently moored vessels shall be required to comply with a one-compartment standard of flooding, as outlined in 46 CFR 171.070, regardless of the passenger capacity of the vessel.

E) All permanently moored vessels shall be required to comply with Damage Stability Standards of 46 CFR, Subchapter S, Part 171, Subpart C, Section 171.080.

F) Additionally, all vessels must comply with requirements for Stability After Damage (Damage Righting Energy Criteria) as may be acceptable to the United States Coast Guard at that time for certified passenger vessels.

G) Additionally, an annual survey shall be conducted of permanently moored vessels to determine if structural changes exist which may affect the stability of the vessel. The survey shall consist of the following:

i) General inspection of the superstructure and layout of outfitting to ensure there are no changes to the approved arrangement that may affect the stability of the vessel;

ii) Inspection of the underdock spaces to ensure watertight integrity of the vessel is maintained;

iii) Inspection and report on the condition of the hull and watertight bulkheads;

iv) Inspection and report on the condition of water tight

doors and water tight bulkhead penetration; and

v) Inspection and report on the condition of ventilator, hatch covers, and manhole covers.

This annual survey does not apply to United States Coast Guard Certified Vessels that are subject to their regulatory inspections.

H) Permanently Moored Vessels

i) Permanently moored vessels shall undergo drydock and internal structural examinations at intervals in accordance with ~~Title~~ 46 CFR 71.50-3 or present evidence of compliance with alternative methods of hull examination as may be deemed acceptable at the time, by the United States Coast Guard, for vessels that operate in fresh water.

ii) Inspection of permanently moored vessels having steel or aluminum hulls may be performed in dry-dock or in-the-water. In-the-water inspections shall consist of an internal structural examination and a detailed non-destructive examination of the vessel's hull. The non-destructive hull examination may be performed by underwater inspection methods or from inside the vessel if all compartments are safely accessible. ("Safely accessible" shall be dependent upon the issuance of a "gas free certificate" by a certified marine chemist).

iii) All structural and in-the-water examinations and inspections of permanently moored vessels shall be under the direction a registered professional engineer. Expertise of the engineer, or engineering team, shall include non-destructive testing methods and procedures, materials engineering and naval architecture, material engineering knowledge of both general and specific corrosion types associated with welds and oxygen differential cells, as well as the effects of such types of corrosion on hull longevity.

iv) The inspection techniques must be under the general direction of an American Society for Nondestructive Testing (ASNT) Level III Non-destructive Certified Technician. Inspections and measurements must be performed by an ASNT Level II (or higher) Non-destructive Certified Technician.

v) The inspection results must be maintained in a format that will allow for examination by the Office of the State Fire Marshal's representatives, including comparison of results from the previous inspections.

vi) Repairs using underwater welding shall be subject to periodic reevaluation at subsequent inspections. Such repairs shall be completed in accordance with the

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standards found in the American Welding Society's "Specifications for Underwater Welding".

vii) The Office of the State Fire Marshal may require immediate dry-docking of the vessel if structural examinations and underwater inspections or repair work are not conducted in accordance with this Section.

viii) All work shall be governed by and construed according to Illinois law effective on the execution date.

I) Written documentation of compliance with the requirements of subsections (e)(5)(B) through (H) shall be furnished to the Office of the State Fire Marshal by the owner of the permanently moored vessel. Such documentation shall be certified by a marine authority approved by the Office of the State Fire Marshal.

J) Permanently moored vessels, when occupied as public assembly occupancies in accordance with definitions given in the Life Safety Code, shall:

i) Be equipped with an on-board electrical generator, sized and installed so as to be capable of supplying emergency back-up power to any required fire alarm systems, fire suppression equipment, emergency lighting circuits, communication equipment, bilge pumps, or vessel propulsion equipment;

ii) At all times occupied by more than 50 ~~fifty~~ occupants, be staffed by personnel trained to initiate shipboard/vessel firefighting and evacuation duties; and

iii) In the event of an emergency that causes the vessel to be set adrift, be either capable of self-propulsion or be serviced by a tugboat or tender capable of controlling the vessel.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3)

Section Numbers:	Proposed Action:
113.107	Amendment
113.111	Amendment

4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13] and P.L. 104-193.

5) A Complete Description of the Subjects and Issues involved: These proposed amendments exempt SSI lump-sum payments made on behalf of a child which are paid directly into a dedicated account. Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Social Security Administration (SSA) requires Supplemental Security Income (SSI) lump-sum payments to children to be paid into a bank account when certain conditions are met. An SSI lump-sum payment for past-due benefits must be paid into a "dedicated account" when:

- the child being awarded the payment is under age 18 and has a representative payee; and
- the retroactive payment is greater than six times the monthly SSI rate.

The entire amount of the SSI lump-sum payment is directly deposited into the dedicated account. Any subsequent SSI lump-sum payments for past-due benefits may be deposited, at the option of the representative payee, into the account. No other funds can be deposited into the dedicated account.

Money in the dedicated account can only be used for specific and limited expenses of the disabled child (education, training, medical treatment, or other items related to the child's disability). When a representative payee spends money from the dedicated account for unauthorized expenses, the representative payee must repay the money.

Companion amendments are being proposed to 89 Ill. Adm. Code 114.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

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Section Numbers	Proposed Action	Ill. Reg. Citation
113.157	Amendment	22 Ill. Reg. 11266
113.158	New Section	22 Ill. Reg. 11266
113.320	Amendment	22 Ill. Reg. 10961

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section
113.1 Description of the Assistance Program
113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
113.9 Client Cooperation
113.10 Citizenship
113.20 Residence
113.30 Age
113.40 Blind
113.50 Disabled
113.60 Living Arrangement
113.70 Institutional Status
113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section
113.100 Unearned Income
113.101 Budgeting Unearned Income
113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.103 Initial Receipt of Unearned Income
113.104 Termination of Unearned Income
113.105 Unearned Income In-Kind
113.106 Earmarked Income
113.107 Lump Sum Payments and Income Tax Refunds
113.108 Protected Income (Repealed)
113.109 Earned Income (Repealed)
113.110 Budgeting Earned Income (Repealed)
113.111 Protected Income
113.112 Earned Income
113.113 Exempt Unearned Income
113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.115 Initial Employment

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113.116 Budgeting Earned Income For Contractual Employees
113.117 Budgeting Earned Income For Non-contractual School Employees
113.118 Termination of Employment
113.120 Exempt Earned Income
113.125 Recognized Employment Expenses
113.130 Income From Work/Study/Training Programs
113.131 Earned Income From Self-Employment
113.132 Earned Income From Roomer and Boarder
113.133 Earned Income From Rental Property
113.134 Earned Income In-Kind
113.139 Payments from the Illinois Department of Children and Family Services
113.140 Assets
113.141 Exempt Assets
113.142 Asset Disregard
113.143 Deferral of Consideration of Assets
113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
113.156 Court Ordered Child Support Payments of Parent/Step-Parent
113.157 Sponsors of Aliens
113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section
113.245 Payment Levels for AABD
113.246 Personal Allowance
113.247 Personal Allowance Amounts
113.248 Shelter
113.249 Utilities and Heating Fuel
113.250 Laundry
113.251 Telephone
113.252 Transportation, Lunches, Special Fees
113.253 Allowances for Increase in SSI Benefits
113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
113.255 Sheltered Care in a Licensed Group Care Facility
113.256 Shopping Allowance
113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
113.258 Home Delivered Meals
113.259 AABD Fuel and Utility Allowances By Area
113.260 Sheltered Care Rates
113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section
113.300 Persons Who May Be Included In the Assistance Unit
113.301 Grandfathered Cases
113.302 Interim Assistance (Repealed)
113.303 Special Needs Authorizations
113.304 Retrospective Budgeting
113.305 Budgeting Schedule
113.306 Purchase and Repair of Household Furniture (Repealed)
113.307 Property Repairs and Maintenance
113.308 Excess Shelter Allowance
113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
113.320 Redetermination of Eligibility
113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
113.400 Description of the Interim Assistance Program
113.405 Pending SSI Application (Repealed)
113.410 More Likely Than Not Eligible for SSI (Repealed)
113.415 Non-Financial Factors of Eligibility (Repealed)
113.420 Financial Factors of Eligibility (Repealed)
113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
113.435 Medical Eligibility (Repealed)
113.440 Attorney's Fees for SSI Applicants (Repealed)
113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

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1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

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amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

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1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of a 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 113.107 Lump Sum Payments and Income Tax Refunds

a) A lump sum payment is one time payment such as retroactive VA, SSA or UI benefits, lottery winnings, insurance settlements, etc. If the amount of the lump sum payment and other countable monthly income is sufficient to meet the client's needs prospectively for a period of at least one month, eligibility for assistance does not exist. However, if continued eligibility exists, the lump sum payment is not budgeted until the payment month corresponding to the budget month in which the lump sum payment was received. Any amount remaining in the client's possession after the month of receipt is considered an asset subject to the appropriate asset disregard.
AGENCY NOTE: A child's SSI lump-sum payment that is paid directly, on behalf of a child, into a dedicated account is not countable as income when received or as an asset in the month(s) following the month of receipt.

b) When a lump sum payment is from SSI, and is not paid into a dedicated account, if continued eligibility for financial assistance does not exist, continue to provide medical assistance only. An SSI lump-sum payment paid into a dedicated account does not affect financial assistance eligibility.

c) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.

d) If a client is the beneficiary of a life insurance policy any portion of those proceeds not in excess of $1500 used to pay for the funeral/burial expenses of the insured shall be exempt as income.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 113.111 Protected Income

Supplemental Security Income (SSI) shall be protected income which shall not be considered available to meet the needs of any other individual.
AGENCY NOTE: Retroactive lump sum payments made by the Social Security Administration to SSI recipients, except those paid directly on behalf of a child into a dedicated account, are not protected income but are to be considered as any other lump sum payment.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

2) Code Citation: 89 Ill. Adm. Code 553

3)

Section Numbers:	Proposed Action:
553.35	Amended
553.80	Amended
553.90	Amended
553.100	Amended

4) Statutory Authority: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: The proposed rulemaking amends Sections of this Part in response to changes in the federal regulations that impact the use of extended evaluation for customers of the VR program. These revisions clarify for customers and staff the situations in which these services need to be offered and the possible outcomes for the customers after undergoing an extended evaluation.

6) Will this proposed rule replace as emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State Mandate

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comment concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Springfield IL 62762
(217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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12) Initial Regulatory Feasibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553
ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION NEEDS

Section
553.10 General Applicability
553.20 Basis for the Determination of Eligibility
553.30 Presumption of Benefit from Vocational Rehabilitation Services
553.35 Services to Non-United States Citizens
553.40 Eligibility Determination Time Frames
553.50 Outcome of the Eligibility Determination
553.60 Documentation of Eligibility Factors/Preliminary Assessment
553.70 Certification of Eligibility
553.80 Extended Evaluation
553.90 Outcome of Extended Evaluation
553.100 Assessment of Rehabilitation Needs
553.105 Assistance in Attaining Necessary Financial Support
553.110 Outcome of the Assessment of Rehabilitation Needs
553.120 Change in Eligibility Status
553.130 Order of Selection
553.140 Criteria for Severe Disability and Most Severe Disability
553.150 Determination of Serious Limitation to Functional Capacities

AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 1386, effective January 17, 1997; amended at 21 Ill. Reg. 2669, effective February 10, 1997; recodifed from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 553.35 Services to Non-United States Citizens

a) DHS-ORS will not provide any services through its VR Program to any individual who is not a citizen of the United States who does not hold a proper visa or certification from the U.S. Immigration and Naturalization Services (Ineligibility) to allow him/her to be employed.

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b) DHS-ORS will provide services through its VR Program to an individual who is not a citizen of the United States provided that:
   1) the individual holds a proper visa or certification from the Ineligibility to allow him/her to be employed while in the United States;
   2) all other eligibility criteria described in this Part are met; and
   3) the individual is expected to remain in the United States for a period of not less than 90 ~~60~~ days after the completion of services listed on his/her IWRP (89 Ill. Adm. Code 572) and can be expected to be gainfully employed during this period.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 553.80 Extended Evaluation

a) A ~~If, prior to the expiration of the 60 calendar day eligibility determination period, it is determined that sufficient evidence exists to justify the need for extended evaluation,~~ a Certification of Extended Evaluation shall be completed and such an evaluation shall commence if determination of an appropriate employment goal cannot be completed. The Certification of Extended Evaluation shall identify why a determination of eligibility could not be completed during the 60 calendar day eligibility determination period. The IWRP shall ~~and~~ specifically outline the services that are to be provided during extended evaluation to determine the individual's eligibility or ineligibility.

b) If it is determined, based on initial documentation, that an individual's disability is too severe for him/her to benefit from VR services, in terms of an employment outcome, he/she must undergo a period of extended evaluation. ~~The purpose of the extended evaluation shall be to determine whether or not the individual can benefit from services in terms of a successful employment outcome and/or to identify employability.~~ DHS-ORS may not deny the individual access to VR services, unless DHS-ORS can prove through clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of a successful employment outcome.

c) The period of extended evaluation shall not exceed 18 months calculated from the date of the Certification of Extended Evaluation and shall be reviewed at least every 90 days.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 553.90 Outcome of Extended Evaluation

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a) If, after a period of extended evaluation, the customer is determined eligible, a Certification of Eligibility shall be prepared and the customer shall begin an Assessment of Rehabilitation Needs (see 89 Ill. Adm. Code 553.100).

b) If, after a period of extended evaluation, the customer is determined to be ineligible, a Certification of Ineligibility shall be completed and preparations made to close the customer's case.

c) If extended evaluation was being used to determine if an individual's disability was too severe to benefit from VR services in terms of an employment outcome, and:

1) ~~b) If~~ DHS-ORS, ~~after a period of extended evaluation,~~ is unable to demonstrate through clear and convincing evidence that the individual cannot benefit ~~from--VR--services--in--terms--of--an employment--outcome~~, he/she shall be presumed to be able to benefit from services (89 Ill. Adm. Code 553.30) and shall be certified as eligible to receive VR services; or

2) ~~c)~~ Clear ~~When--clear~~ and convincing evidence is in the case file documenting the individual is not capable of benefiting from VR services, a Certification of Ineligibility shall be completed, which includes a summary and rationale for the determination based on the information gathered during the period of extended evaluation.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 553.100 Assessment of Rehabilitation Needs

a) If a customer is determined eligible to receive VR services (89 Ill. Adm. Code 553.50(a)), the Assessment of Rehabilitation Needs Summary (Assessment) shall be completed.

b) A major component of the Assessment shall be the determination of the employment goal. The goal shall involve the customer and take his/her interests into consideration, as well as career counseling provided to and with the customer by the counselor regarding labor market trends and training requirements. The employment goal chosen by the customer should be supported by the counselor unless the Assessment clearly contraindicates the customer's choice.

~~c) The Assessment will include a review of existing and additional information as to the individual's career plan, unique strengths, resources, priorities, interests, and needs to determine the nature and scope of services necessary to ensure the individual a successful employment outcome in the area of his/her chosen goal.~~

c) The purpose of the Assessment is to determine the long-term vocational goal, intermediate rehabilitation objectives, and nature and scope of vocational rehabilitation services to be included in the customer's IWRP, which must be designed to achieve an employment outcome that is consistent with the customer's unique strengths, priorities, concerns,

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abilities, capabilities, career interests and informed choice.

d) The scope of the Assessment shall be limited to that which is necessary to identify the rehabilitation needs of the individual and to develop the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) for the individual. To the maximum extent possible the information used shall be existing information and information available from the individual and, where appropriate, from the individual's family.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Closure

2) Code Citation: 89 Ill. Adm. Code 617

3)

Section Numbers:	Proposed Action:
617.10	Amendment
617.20	Amendment
617.30	Amendment
617.55	Amendment

4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)]

5) A Complete Description of the Subjects and Issues involved: This amendment revises this Part to make it consistent with the federal regulations for the Vocational Rehabilitation Program. These regulations implemented the most recent amendments to the Rehabilitation Act. The major change is in the length of time a customer must maintain suitable employment before the case can be closed as "rehabilitated"; this is now 90 days. Other changes made throughout the Part change the term client to customer in keeping with the terminology of the Office of Rehabilitation Services.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

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TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 617
CLOSURE

Section
617.10 General Applicability
617.20 Determination of Closure
617.30 Criteria for Being Determined "Rehabilitated"
617.40 Closure as an Unpaid Family Worker
617.50 Closure as a Homemaker
617.55 Closure in Supported Employment
617.60 Closure in Sheltered Employment
617.70 Closure in a Work Activity Program (Repealed)
617.80 Vocational Outcome at Closure
617.90 Certification of Ineligibility
617.100 Client Participation in Closure Decision
617.110 Annual Review of Ineligibility Decision

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8776, effective June 10, 1985; amended at 11 Ill. Reg. 4032, effective February 18, 1987; amended at 12 Ill. Reg. 6959, effective April 1, 1988; amended at 12 Ill. Reg. 11498, effective June 22, 1988; amended at 12 Ill. Reg. 17090, effective October 11, 1988; amended at 12 Ill. Reg. 17957, effective October 24, 1988; amended at 15 Ill. Reg. 7347, effective April 26, 1991; amended at 15 Ill. Reg. 16118, effective October 24, 1991; emergency amendment at 17 Ill. Reg. 11686, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20366, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 617.10 General Applicability

Rules contained within this Part are applicable to all Department of Human Services - Office of Rehabilitation Services (DHS-ORS) Vocational Rehabilitation (VR) customers ~~clients~~.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 617.20 Determination of Closure

Closure of an individual's case record shall be done any time in the Vocational

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Rehabilitation (VR) process when the counselor has determined that any of the following exist. Action required for each item is also indicated.

a) The person has no physical or mental impairment or substantial impediment to employment (89 Ill. Adm. Code 553). This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in closure decision, ~~written~~ notification to customer ~~client~~ of closure in writing and other appropriate modes of communication, Client Assistance Program (CAP) services, and appeal rights (89 Ill. Adm. Code 510), and completion of a Certification of Ineligibility by the counselor.

b) After a period of Extended Evaluation (89 Ill. Adm. Code 553.80), there is no reasonable expectation that VR services may benefit the individual in terms of a successful employment outcome. This type of closure requires an annual review except as noted below, opportunity for customer ~~client~~ participation in the closure decision, ~~written~~ notification to customer ~~client~~ of closure in writing and other appropriate modes of communication, CAP services and appeal rights, an Individualized Written Rehabilitation Program (IWRP) amendment (89 Ill. Adm. Code 567), if appropriate, and completion of a Certification of Ineligibility by the counselor. If the determination the customer cannot benefit was based on the fact the customer's medical condition is rapidly progressive or terminal, an annual review need not be conducted.

c) The person has refused services or further services, or has failed to cooperate. This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in the closure decision and written notification to customer ~~client~~ of the closure, CAP services, and appeal rights.

d) The person cannot be located, has moved out of state, has died, or is otherwise unavailable for services for an extended period of time, e.g., institutionalized or incarcerated. This type of closure does not require an annual review, but does require an IWRP amendment, if appropriate.

e) The program of services has been completed in terms of a successful employment outcome and additional services are not required. This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in the closure decision, written notification to customer ~~client~~ of the closure, CAP services, and appeal rights, and an IWRP amendment.

f) Employment was obtained without benefit of VR services. This type of closure does not require an annual review, but does require written notification to customer ~~client~~ of the closure, CAP services, and appeal rights, and an IWRP amendment, if appropriate.

g) The person's service needs are outside the scope of VR service as contained in 89 Ill. Adm. Code: Chapter IV, subchapter b and are more appropriately provided by another agency. This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in the closure decision, ~~written~~

notification to customer ~~client~~ of the closure in writing and other appropriate modes of communication, CAP services~~,~~ and appeal rights, and an IWRP amendment, if appropriate.

h) The person did not meet the order of selection criteria (89 Ill. Adm. Code 553.140) and did not express an interest in being placed on a waiting list for a later offer of rehabilitation services. The person must have been eligible, or presumably eligible, for services if the order of selection criteria had not been applied. This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in the closure decision, written notification to customer ~~client~~ of the closure, CAP services, and appeal rights.

i) The provision of suitable transportation for the acceptance or maintenance of employment was either not feasible (e.g., too costly for the customer ~~client~~ to afford) or not available. This type of closure does not require an annual review, but does require opportunity for customer ~~client~~ participation in the closure decision, written notification to customer ~~client~~ of the closure in writing or other appropriate mode of communications, CAP services~~,~~ and appeal rights, and an IWRP amendment, if appropriate.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 617.30 Criteria for Being Determined "Rehabilitated"

A determination that the customer ~~client~~ has been rehabilitated must meet the following criteria:

a) the counselor provided guidance and counseling;

b) VR services which were necessary and consistent with the customer's ~~client's~~ goals and objectives in accordance with the Individualized Written Rehabilitation Program (IWRP) were provided;

c) the customer ~~client~~ has attained a successful employment outcome and has maintained such for at least 90 ~~60~~ calendar days. A rehabilitation counselor/instructor may maintain a case as long as necessary in excess of the 90 days to ensure a successful employment outcome for the customer. A determination of suitable employment cannot be made until completion of 90 days of employment. Suitable employment is indicated when all of the following are present:

1) the customer ~~client~~ and employer are each satisfied as evidenced by the customer's ~~client's~~ continued employment and as expressed by the customer ~~client~~ at the time of customer ~~client~~ participation in the closure decision (Section 617.100);

2) the customer ~~client~~ is maintaining adequate interpersonal relationships and acceptable behavior in the job environment as evidenced by the customer's ~~client's~~ continued employment and as expressed by the customer ~~client~~ at the time of customer ~~client~~ participation in the closure decision (Section 617.100);

3) the employment outcome is consistent with the customer's ~~client's~~ own unique strengths, resources, priorities, concerns, abilities, ~~and~~ capabilities, career interests, and informed choices as documented in the ~~Comprehensive~~ Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100). If the occupation is different than the customer's ~~client's~~ long-term goal, the customer ~~client~~ must be advised of the difference with documentation in the customer's ~~client's~~ case file regarding this difference and an IWRP amendment written (89 Ill. Adm. Code 572.80);

4) the customer ~~client~~ possesses acceptable skills to perform or continue the work satisfactorily as evidenced by the customer's ~~client's~~ continued employment;

5) the employment is regular, reasonably permanent (based upon the goal established in the customer's ~~client's~~ IWRP (89 Ill. Adm. Code 572)), and the customer ~~client~~ receives a wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled ~~commensurate with that paid others for similar work as determined by wage information obtained by the counselor, e.g., Job Service, U.S. Department of Labor, under legal requirements as contained in 29 CFR 525 and Illinois Minimum Wage Law (56 Ill. Adm. Code 200) respectively~~; and

6) the employment and working conditions will not aggravate the customer's ~~client's~~ disability and the customer's ~~client's~~ disability in the job situation will not jeopardize the health or safety of him/herself or others based upon information obtained during the Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553.100) and the counselor's knowledge of the job description and requirements.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 617.55 Closure in Supported Employment

a) To be considered a rehabilitation closure in supported employment, in addition to the criteria contained in Section 617.30, the supported employment must be competitive work in an integrated work setting (34 CFR 363.5(b)(30) ~~363.7(a)(2)(iii)~~) at minimum wage with applicable benefits with extended services.

b) The customer ~~client~~, DHS-ORS and the service provider shall develop an extended service plan which contains a description of extended services to be provided, the identity of the State ~~state~~, federal or private non-profit programs that will provide the services, the customer's ~~client's~~ comments on the extended service plan, and a date for review of the plan by customer ~~client~~~~,~~ and the counselor. "Extended services" are those services necessary to support and

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maintain an individual following the termination of time-limited support services as specified on the customer's ~~client's~~ IWRP (89 Ill. Adm. Code 572). Time-limited support services shall be provided for no longer than 18 months from initial date of placement unless special circumstances exist and the customer ~~client~~ and counselor agree extension of this time period is necessary for the customer ~~client~~ to achieve his/her employment objective. Extended services shall include job-related skills training provided at least twice monthly on the worksite. If the individual has a diagnosis of mental illness, the contacts may be for any job-related reason off the worksite.

c) For the purposes of this Section, "customer ~~client~~" shall also include, as appropriate, a parent, family member, guardian, advocate or duly authorized representative.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Comparable Benefits

2) Code Citation: 89 Ill. Adm. Code 567

3)

Section Numbers:	Proposed Action:
567.20	Amended
567.30	Amended
567.100	Amended

4) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

5) A Complete Description of the Subjects and Issues involved: The proposed rulemaking amends Sections of this Part to clarify the Department's policy regarding the applicability and use of comparable benefits for the Office of Rehabilitation Services customers. Comparable benefits are services available from other State, federal and private programs which are needed by the customer to achieve the employment outcomes. These services can be private insurance, scholarships, Medicaid, JTPA, etc. Federal regulations require that these other services be used, if available, unless their use would not be available in a timely manner.

6) Will this proposed rule replace as emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Springfield IL 62762
Telephone Number: (217) 785-9772
TTY: (217) 557-1547

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Feasibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 567
COMPARABLE BENEFITS

Section
567.10 General Applicability
567.20 Definition of Comparable Benefits
567.30 Exceptions to Comparable Benefits
567.100 Refusal of Comparable Benefits

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)], 29 USC 721(a)(8), and 34 CFR 361.47(b).

SOURCE: Adopted at 9 Ill. Reg. 8839, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 12 Ill. Reg. 3019, effective January 15, 1988; amended at 13 Ill. Reg. 9590, effective June 12, 1989; amended at 13 Ill. Reg. 18933, effective November 16, 1989; amended at 15 Ill. Reg. 6617, effective April 18, 1991; amended at 17 Ill. Reg. 149, effective December 18, 1992; emergency amendment at 17 Ill. Reg. 11696, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20375, effective November 15, 1993; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 567.20 Definition of Comparable Benefits

a) A comparable benefit is a service that ~~Comparable benefits are services which~~ is available at the time the service is needed by a customer and is ~~are~~ used to determine eligibility (89 Ill. Adm. Code 553) or to achieve the vocational goal and objectives specified in the customer's ~~client's~~ Individualized Written Rehabilitation Program (89 Ill. Adm. Code 572) that, when provided to DHS-ORS customers ~~DORS clients~~ by public or private agency or agencies ~~agencies~~ other than DHS-ORS DORS, offset costs which would otherwise be paid by DHS-ORS DORS or the customer ~~client~~.

b) Private monetary merit awards, contributions and gifts which are specific or restricted as to use shall be used as intended (e.g., scholarships earmarked for use for college tuition costs or general college expenses) and are an available comparable benefit or service that shall be considered as a comparable benefit to reduce the customer's ~~client's~~ need for that service(s) from DHS-ORS DORS. Unrestricted monetary merit awards, contributions and gifts shall not be considered as an available resource by DHS-ORS DORS and may be used by the customer ~~client~~ however he/she wishes.

c) While a customer ~~client~~ will not be discouraged from applying for loans (i.e., student loans) to assist in the completion of his/her rehabilitation program, he/she shall not be required to accept such loans. Such loans are not comparable benefits.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 567.30 Exceptions to Comparable Benefits

Comparable benefits must be pursued for all services except:

a) if a search for comparable benefits would delay the provision of VR services to a customer ~~client~~ who is at extreme medical risk, based upon medical evidence provided by an appropriately licensed medical professional;

b) for evaluation during the Determination of Eligibility and Comprehensive Assessment of Rehabilitation Needs (89 Ill. Adm. Code 553);

c) for counseling, guidance, referral, and placement;

d) for the provision of any service when the delay caused in identifying and/or making use of a comparable benefit would cause the customer ~~client~~ to lose a job placement which is immediately available;

e) for vocational and other training services, which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing) (~~e.g.,~~ these vocational and other training services could include on-the-job training, work adjustment training including at a rehabilitation facility or the three month or nine month pre-vocational program for hearing impaired at Northern Illinois University, and work experience from the Secondary Transitional Experience Program or similar programs) ~~which are not provided in institutions of higher education (e.g., universities, colleges, vocational schools, technical institutes, or hospital schools of nursing)~~;

f) for rehabilitation technology ~~engineering~~ services ~~(i.e., the application of technologies, engineering methodologies or scientific principles to meet the needs of and address the barriers confronted by persons with disabilities)~~;

g) for supported employment services; and

h) for post employment services included in subsections (b), (c), (d), (e), (f), and (g) above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 567.100 Refusal of Comparable Benefits

DHS-ORS ~~DORS~~ cannot provide a service (with the exception of Section 567.30(a)

through (h)) to a customer ~~client~~ who refuses to make formal application to a comparable benefit source or who refuses to accept a comparable benefit for which he/she is eligible.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: Proposed Action:
679.50 Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues involved: The purpose of this Amendment is to increase the SCM of the Home Services Program by 4.9%. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by Governor Edgar. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.

6) Will this proposed rule replace an emergency rule currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this Rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments that appears in this issue of the *Register* on page 16031.

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Assistance

2) Code Citation: 89 Ill. Adm. Code 114

3)

Section Numbers:	Proposed Action:
114.223	Amendment
114.224	Amendment

4) Statutory Authority: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13] and P.L. 104-193.

5) A Complete Description of the Subjects and Issues involved:

These proposed amendments exempt SSI lump-sum payments made on behalf of a child which are paid directly into a dedicated account. Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Social Security Administration (SSA) requires Supplemental Security Income (SSI) lump-sum payments to children to be paid into a bank account when certain conditions are met. An SSI lump-sum payment for past-due benefits must be paid into a "dedicated account" when:

. the child being awarded the payment is under age 18 and has a representative payee; and

. the retroactive payment is greater than six times the monthly SSI rate.

The entire amount of the SSI lump-sum payment is directly deposited into the dedicated account. Any subsequent SSI lump-sum payments for past-due benefits may be deposited, at the option of the representative payee, into the account. No other funds can be deposited into the dedicated account.

Money in the dedicated account can only be used for specific and limited expenses of the disabled child (education, training, medical treatment, or other items related to the child's disability). When a representative payee spends money from the dedicated account for unauthorized expenses, the representative payee must repay the money.

Companion amendments are being proposed to 89 Ill. Adm. Code 113.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does these proposed amendments contain incorporations by reference? No

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9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
114.210	Amendment	22 Ill. Reg. 10973
114.408	New Section	22 Ill. Reg. 11279

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

3) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section
114.1 Description of the Assistance Program
114.2 Determination of Not Employable
114.3 Advocacy Program for Persons Receiving State Transitional Assistance
114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements (Outside City of Chicago only)
114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
114.62 Job Service Registration (Outside City of Chicago only)
114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
114.64 Responsibility to Seek Employment (Outside City of Chicago only)
114.70 Initial Employment Expenses (Outside City of Chicago only)
114.80 Downstate General Assistance Work and Training Programs
114.85 Downstate General Assistance - Food Stamps Employment and Training Pilot Project
114.90 Project Chance Participation/Cooperation Requirements (Renumbered)
114.100 General Assistance Jobs Program (Repealed)
114.101 Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section
114.108 Project Advance (Repealed)
114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

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114.111 Project Advance Sanctions (Repealed)
114.113 Project Advance Good Cause for Failure to Comply (Repealed)
114.115 Individuals Exempt From Project Advance (Repealed)
114.117 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section
114.120 Employment and Training Requirements
114.121 Persons Required to Participate in Project Chance (Repealed)
114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
114.125 Employment and Training Program Orientation (Repealed)
114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
114.127 Employment and Training Program Components (Repealed)
114.128 Employment and Training Sanctions (Repealed)
114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
114.130 Employment and Training Supportive Services (Repealed)
114.135 Conciliation and Fair Hearings (Repealed)
114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section
114.200 Unearned Income
114.201 Budgeting Unearned Income
114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203 Initial Receipt of Unearned Income
114.204 Termination of Unearned Income
114.210 Exempt Unearned Income
114.220 Education Benefits
114.221 Unearned Income In-Kind
114.222 Earmarked Income
114.223 Lump-Sum Payments
114.224 Protected Income
114.225 Earned Income
114.226 Budgeting Earned Income
114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228 Initial Employment

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114.229 Termination of Employment
114.230 Exempt Earned Income
114.235 Recognized Employment Expenses
114.240 Income From Work/Study/Training Program (Repealed)
114.241 Earned Income From Self-Employment
114.242 Earned Income From Roomer and Boarder
114.243 Earned Income From Rental Property
114.244 Earned Income In-Kind
114.245 Payments from the Illinois Department of Children and Family Services
114.246 Budgeting Earned Income For Contractual Employees
114.247 Budgeting Earned Income For Non-contractual School Employees
114.250 Assets
114.251 Exempt Assets
114.252 Asset Disregards
114.260 Deferral of Consideration of Assets (Repealed)
114.270 Property Transfers (Repealed)
114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
114.350 Payment Levels
114.351 Payment Levels in Group I Counties
114.352 Payment Levels in Group II Counties
114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
114.400 Persons Who May Be Included In the Assistance Unit
114.401 Eligibility of Strikers
114.402 Special Needs Authorizations (Repealed)
114.403 Institutional Status
114.404 Retrospective Budgeting
114.405 Budgeting Schedule
114.406 Limitation on Amount of General Assistance to Recipients from Other States
114.420 Redetermination of Eligibility
114.430 Extension of Medical Assistance Due to Increased Income from Employment
114.440 Attorney's Fees for VA Appellants
114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section
114.450 Child Care (Repealed)
114.452 Child Care Eligibility (Repealed)

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114.454 Qualified Provider (Repealed)
114.456 Notification of Available Services (Repealed)
114.458 Participant Rights and Responsibilities (Repealed)
114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
114.464 Rates of Payment for Child Care (Repealed)
114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section
114.500 Transitional Child Care Eligibility (Repealed)
114.504 Duration of Eligibility for Transitional Child Care (Repealed)
114.506 Loss of Eligibility for Transitional Child Care (Repealed)
114.508 Qualified Provider (Repealed)
114.510 Notification of Available Services (Repealed)
114.512 Participant Rights and Responsibilities (Repealed)
114.514 Child Care Overpayments and Recoveries (Repealed)
114.516 Fees for Service for Transitional Child Care (Repealed)
114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective

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June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10

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Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10929, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 14162, effective August 17, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January

15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective November 26, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.223 Lump-Sum Payments

a) Income received either in the form of a one-time only, payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered nonrecurring lump-sum income (a lump-sum payment). Examples of nonrecurring lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, Workers' Compensation ~~workers--compensation~~ injury settlements, lottery winnings, inheritances and insurance settlements.

b) Any portion of the lump-sum payment used to pay for expenses incurred as a result of the lump-sum payment shall be exempt from consideration as nonrecurring lump-sum income as follows:

1) Personal Injury Settlement - That portion of a personal injury payments is exempt which is used to pay for:
   A) necessary costs of litigation or settlement, including attorney's fees;
   B) the Department's charge (see 89 Ill. Adm. Code ~~Section~~ 102.260);
   C) medical costs resulting from the injury and paid by the client;
   D) expenses to repair or replace personal property which was damaged as a result of the injury.

2) Workers' Compensation Payment - That portion of a Workers' Compensation payment is exempt which is used to pay for:
   A) necessary costs of litigation or settlement, including attorney's fees;

   B) medical costs resulting from the injury and paid by the client.

3) Insurance Payments
   A) Insurance Payments - That portion of an insurance payment received due to loss is exempt when used to:
      i) repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
      ii) pay the funeral/burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.
   B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days after ~~of~~ receipt shall be budgeted as nonrecurring lump-sum income. A payment receipt shall be required as verification of any insurance-related expense claimed as exempt under subsection (b)(3)(A) of this Section.

c) An SSI lump-sum payment made on behalf of a child that is paid directly into a dedicated account is disregarded.

d)~~c)~~ Lump-sum payments that bring a family's countable resources up to the asset disregard for that family shall also be disregarded.

e)~~d)~~ That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard is considered as follows:

1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.

2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:
   A) If the amount exceeds the assistance payment level by $1,000 or less, the family will be ineligible for one month.
   B) If the amount exceeds the assistance payment level by $1,000 but less than or equal to $2,000, the family will be ineligible for two months.
   C) One additional month of ineligibility will be added for each $1,000 increment.

f)~~e)~~ The assistance unit may apply to have the ineligibility period caused by receipt of nonrecurring lump-sum income shortened. The ineligibility period shall be shortened in the following situations:

1) When the nonrecurring lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum payment the client spends or contracts to spend within 60 days after ~~of~~ the fire, flood or natural disaster to repair or

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replace the lost or damaged property shall be deducted from the lump-sum income when the period of ineligibility is recalculated.

2) When the nonrecurring lump-sum payment or a portion of the lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (see 89 Ill. Adm. Code 140.3) shall be considered allowable medical deductions when the period of ineligibility is recalculated. The allowable medical expenses must have been incurred and paid during the ineligibility period. A payment receipt shall be required as verification.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 114.224 Protected Income

Supplemental Security Income (SSI) shall be protected income which shall not be considered available to meet the needs of any other individual.
Agency Note: Retroactive lump sum payments made by the Social Security Administration to SSI recipients, except those paid directly on behalf of a child into a dedicated account, are not protected income but are to be considered as any other lump sum payment.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Individualized Written Rehabilitation Program (IWRP)

2) Code Citation: 89 Ill. Adm. Code 572

3)

Section Numbers:	Proposed Action:
572.20	Amended
572.30	Amended
572.50	Amended
572.60	Amended
572.70	Amended

4) Statutory Authority: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k).

5) A Complete Description of the Subjects and Issues involved: The proposed rulemaking amends Sections of this Part in response to changes in the federal regulations and changes in the Office of Rehabilitation policy regarding the development of the Individualized Written Rehabilitation Program (IWRP). These revisions change the aim of the IWRP from employment objective to vocational goal and clarify the customer's right to informed choices. Some other amendments are made to make the rules consistent with the organization of DHS.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772

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TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 572
INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM (IWRP)

Section
572.10 General Applicability
572.20 Commencement of the IWRP
572.30 Purpose of the IWRP
572.40 Coordination of the IWRP with an Individualized Educational Program (IEP)
572.50 IWRP Development and Content
572.60 Format of the IWRP
572.70 Services to Families
572.80 IWRP Amendments
572.90 Notice of Changes to the IWRP
572.100 Case File Documentation
572.110 Review of IWRP
572.200 Reporting of Customer Participation

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8801, effective June 10, 1985; amended at 11 Ill. Reg. 5144, effective March 17, 1987; amended at 14 Ill. Reg. 18561, effective November 5, 1990; amended at 15 Ill. Reg. 17367, effective November 19, 1991; emergency amendments at 17 Ill. Reg. 11770, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20438, effective November 15, 1993; amended at 19 Ill. Reg. 7963, effective June 2, 1995; amended at 20 Ill. Reg. 6311, effective April 18, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 572.20 Commencement of the IWRP

The Individualized Written Rehabilitation Program (IWRP) shall be initiated after the ~~Comprehensive~~ Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) or certification for extended evaluation (89 Ill. Adm. Code 553.80).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 572.30 Purpose of the IWRP

a) The IWRP is a non-binding agreement between the customer and DHS-ORS

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that outlines the nature and scope of vocational rehabilitation services to be provided to the customer to meet the established objectives that are related to the customer's vocational goal. ~~The IWRP is a non-binding agreement between the customer and DHS-ORS that outlines the services DHS-ORS intends to provide, or to assist the customer in the attainment of, to enhance the capacity of the customer to achieve his/her employment objective(s).~~

b) The IWRP identifies the program of services that will assist the individual to achieve his/her employment objective consistent with his/her unique strengths, resources, priorities, concerns, abilities, and capabilities, career interests, and informed choices.

~~c) All services that will be provided to a customer, after eligibility has been determined and a Comprehensive Assessment of Rehabilitation Needs to the extent necessary for the individual customer has been completed, must be listed on the client's IWRP.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 572.50 IWRP Development and Content

a) After completion of the ~~Comprehensive~~ assessment ~~Assessment~~ of rehabilitation needs ~~Rehabilitation Needs~~ (89 Ill. Adm. Code 553.100), an IWRP must be developed to outline the specific services the customer will receive to enhance the ability of the customer to achieve his/her vocational goal ~~employment objective(s)~~.

b) The IWRP must be jointly developed, agreed to and signed by the customer, or, as appropriate, the customer's parent, family member, guardian, advocate, or authorized representative, and the counselor.

c) The IWRP must contain the following:

1) a statement of the vocational goal ~~long term rehabilitation goals~~ based on the ~~Comprehensive~~ assessment ~~Assessment~~ of rehabilitation needs ~~Rehabilitation Needs~~ (89 Ill. Adm. Code 553.100), including an assessment of the customer's career interests. ~~,~~ The ~~the~~ goal ~~for which~~ shall be, to the maximum extent possible, an employment outcome in an integrated setting;

2) a statement of intermediate rehabilitation objectives related to attainment of the customer's vocational ~~employment~~ goal and how these objectives are to be met, based on the informed choice of the customer, in the most individualized and integrated setting;

3) a statement of the specific VR services to be provided, with anticipated beginning and ending dates for each service;

4) an assessment, and a reassessment prior to case closure, of the expected need for post-employment services. If post-employment services are to be provided, the IWRP must include a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services subsequent to the achievement of an employment outcome by the individual;

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5) an objective criteria and evaluation method, with specific dates, to determine if the goals and objectives are being met;

6) a description of the terms and conditions under which services will be provided to the customer in the most integrated setting possible;

7) identification of the entity or entities that provide VR services to the customer and how the customer will receive the specific services (e.g., by attending an on-site training program, by office visits to a medical service provider, etc.);

8) a statement by the customer, in the customer's words, or if appropriate, by a parent, family member, guardian, advocate or authorized representative, describing how the customer was informed about his/her options regarding his/her objectives, services, service providers and methods of service procurement and how he/she was involved in making these choices;

9) the customer's rights and remedies, including recourse under the appeals process (89 Ill. Adm. Code 510);

10) a description of the availability of services through the Client Assistance Program; and

11) information regarding other related benefits and services the customer may access, which will not be services DHS-ORS will assist in obtaining, but which may assist in the attainment of his/her employment goal.

d) As appropriate, the customer's IWRP must also contain:

1) identification of necessary rehabilitation technology services;

2) identification of the anticipated need for on-the-job and related Personal Assistance services;

3) assessment of the customer's needs for extended services, and prior to case closure after attainment of the employment goal, reassessment of such needs; and

4) a statement describing how services shall be provided or arranged through cooperative agreements with other service providers.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 572.60 Format of the IWRP

a) A copy of the original IWRP and any amendments must be provided to the customer and must, to the maximum extent possible, be provided in the customer's native language and ~~or~~ mode of communication, or, as appropriate, in the native language and ~~or~~ mode of communication of the parent, family member, guardian, advocate or authorized representative.

b) At any time a non-English print version of any form or document, including the IWRP, is used to meet the customer's needs and is placed in the case file, an English print copy must also be completed by the

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rehabilitation counselor/instructor and placed with the non-English print version in the case file.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 572.70 Services to Families

DHS-ORS shall provide VR services as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation" to a customer's family members only when those services are necessary to assist the customer in attaining or retaining a suitable employment outcome.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Services

2) Code Citation: 89 Ill. Adm. Code 590

3)

Section Numbers:	Proposed Action:
590.260	Amendment
590.470	Amendment
590.660	Amendment
590.670	Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

5) A Complete Description of the Subjects and Issues involved: This Part is being amended in several of its Sections; these are 590.260, Summer School; 590.470, Services/Equipment; 590.660 and 590.670 of Subpart J, Maintenance.

The Summer School amendment, 590.260, removes what was a restrictive rule and replaces it with a rule which allows customers to attend summer school when the counselor assessment of the circumstances shows the customer would benefit from summer school.

Revisions to 590.470 are being made to make the rule consistent with the federal Education Departments General Administrative Regulations (EDGAR). The amendment also clarifies ORS' policy on the payment for repair of equipment.

The amendments to Subpart J, Maintenance, were made to bring more consistency to the use of the policy. This revision was the result of comments received from the field staff and the ORS administration's responses to these issues.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This is not applicable to this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments

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concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
SERVICES

SUBPART A: APPLICABILITY

Section
590.10 General Applicability
590.20 Availability of Services
590.30 Effect of Financial Status on Services
590.35 Effect of Comparable Benefits
590.40 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
590.50 Provision of Services
590.60 Qualification of Medical and Psychological Service Providers
590.70 Treatment of Acute Conditions
590.80 Medication and Treatment
590.90 Hearing Aids
590.100 Binaural Hearing Aids
590.110 Speech and Language Services
590.120 Low Vision Aids
590.130 Mental Restoration Services
590.140 Heart Surgeries
590.150 Kidney Transplant and Related Services
590.160 Chiropractic Services
590.170 Prosthetic and Orthotic Device
590.180 Wheelchairs
590.190 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
590.200 Provision of Services
590.210 Qualification of Training Facilities/Institutions
590.220 Purpose and Types of Training
590.230 Financial Guidelines for Training Services
590.240 Graduate School Training
590.250 Choice of Training Facility/Institution
590.260 Summer School
590.270 Grades
590.280 Health Status
590.290 On-the-Job Training

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590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section
590.310 Provision of Services
590.320 Self-Employment Program
590.330 Services/Goods not Available
590.340 Bidding Requirements
590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
590.360 Transfer of Title
590.370 Limitation of Financial Participation (Repealed)

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section
590.375 Provision of Services
590.380 Vendor Requirements
590.390 Bidding Requirements
590.400 Vehicle Adaptation
590.410 DHS-ORS Financial Participation in Van Adaptation
590.420 Environmental Modification
590.430 Written Agreements for Environmental Modification
590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section
590.450 Provision of Services
590.460 Types of Services
590.470 Services/Equipment
590.480 Qualifications for Services Provided by Individuals
590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section
590.500 Provision of Services (Repealed)
590.510 Definitions (Repealed)
590.520 Purpose of Equipment Loans (Repealed)
590.530 Criteria for Loan of Equipment/Aids (Repealed)
590.540 Equipment/Aids Loan Request Procedures and Approval Process (Repealed)
590.550 Duration of Loans (Repealed)
590.560 Maintenance and Return of Equipment/Aids (Repealed)
590.570 Assistance in Obtaining Permanent Equipment/Aids (Repealed)
590.580 Limitations on Available Equipment/Aids (Repealed)

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SUBPART H: OTHER SERVICES

Section
590.590 Provision of Services
590.600 Transportation and Temporary Lodging
590.610 Other Goods and Services
590.620 Equipment Sets

SUBPART I: PLACEMENT

Section
590.630 Provision of Placement Services
590.640 Description of Services

SUBPART J: MAINTENANCE

Section
590.650 Provision of Services
590.660 Definitions
590.670 Determination of the Need for Maintenance
590.675 Determination of Client Financial Participation in Maintenance
590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

590.700 Provision of Services
590.710 Definitions
590.720 Scope of Services

SUBPART L: TRANSITION

590.730 Provision of Services
590.740 Definitions
590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7260, effective May 12, 1995; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective June 29, 1995; amended at 19 Ill. Reg. 10709, effective June 29, 1995; amended at 20 Ill. Reg. 6319, effective April 18, 1996; amended at 20 Ill. Reg. 6523, effective April 18, 1996; amended at 20 Ill. Reg. 10375,

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effective July 19, 1996; amended at 21 Ill. Reg. 1395, effective January 17, 1997; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

SUBPART C: TRAINING AND RELATED SERVICES

Section 590.260 Summer School

Summer school may be provided to a customer who, based upon his/her counselor's assessment of the individual circumstances, would benefit from attending summer school.

~~Summer school shall be provided only for those clients who:~~

~~a) will graduate at the conclusion of the summer term; or~~

~~b) must complete a course sequence for a degree/graduation requirement and the particular course is offered only during the summer term.~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section 590.470 Services/Equipment

a) DHS-ORS shall provide such services to the customer as determined necessary as a result of the Extended Evaluation (89 Ill. Adm. Code 553.80) and/or the ~~Comprehensive~~ Assessment of Rehabilitation Needs Summary (89 Ill. Adm. Code 553.100) for the completion of his/her employment objective as described in his/her IWRP (89 Ill. Adm. Code 572).

b) Services provided by an individual (i.e, interpreter for the deaf, notetaker, reader, PA services) under this Subpart shall continue until the completion of the customer's IWRP and attainment of a successful employment outcome and as determined necessary by the customer and counselor.

c) DHS-ORS shall retain title to any equipment purchased for use by a customer. Prior to the purchase of any equipment for customer use, the customer must agree to maintain the equipment in proper working order and condition~~, agree to insure the equipment against loss, agree to replace the equipment if a loss occurs~~, and agree to return the equipment to DHS-ORS at any time the customer has no further use for the equipment or is otherwise not using the equipment for the purpose for which it was purchased. ~~In the event a customer believes repairs to the equipment are either cost prohibitive or not beneficial in terms of useful life of the equipment, he/she may request assistance from DHS-ORS in obtaining necessary equipment repair/replacement.~~

d) The customer may retain the equipment even after he/she has

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successfully attained his/her vocational goal and his/her case has been closed, pursuant to 89 Ill. Adm. Code 617, as long as he/she is using the equipment for the purpose for which it was originally purchased.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART J: MAINTENANCE

Section 590.660 Definitions

For the purpose of this Subpart, the following term shall have the following meanings.

Additional Costs - increased basic living ~~those~~ costs incurred by a customer ~~client~~ as a direct result of his/her participation in an Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572). This includes any decrease in income caused by participation in an IWRP.

Basic Needs - the minimum amount of money needed by an individual to maintain a standard of living that allows the individual to ~~or level of goods and services an individual needs to~~ subsist in an environment which does not put the individual at undue risk to health and safety. These needs include, but are not limited to, housing, food, clothing, utilities (e.g., electricity, natural gas, water and sewer charges, and local telephone service), personal hygiene products, and on-going medical care.
Basic living costs ~~needs~~ do not include expenses for items such as cosmetics, cable television, automobile loan payment, automobile insurance, consumer debt, entertainment, long distance telephone charges, or costs associated with an individual's choice of living arrangements.

Maintenance - monies paid to a customer ~~client~~ to cover additional basic living costs, as defined above.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 590.670 Determination of the Need for Maintenance

DEPARTMENT OF HUMAN SERVICES

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a) The MONTHLY CUSTOMER MAINTENANCE WORKSHEET (IL 488-0692) must be used to determine the need for maintenance and the dollar amount, if any, DHS-ORS may pay to cover additional basic living costs.

b)~~a~~ Maintenance, as defined in Section 590.660, shall be provided to a customer ~~client~~ to cover the additional costs incurred as a result of participation in the services and activities necessary to overcome the impediment to employment in line with the provisions of Section 590.680 and as listed in the IWRP (89 Ill. Adm. Code 572).

c)~~b~~ To determine the amount of maintenance which DHS-ORS can provide to an individual, DHS-ORS shall subtract the individual's actual cost for basic needs prior to beginning VR services from the anticipated cost for basic needs while participating in VR services. This amount, less any required customer ~~client~~ financial participation towards maintenance (Section 590.675) shall be the amount of maintenance for which an individual is eligible.

d)~~c~~ To establish the anticipated cost for basic needs for an individual while participating in VR services, DHS-ORS shall:

1) use the lowest cost for living expenses published by the facility the individual will be attending if there is a published cost; or

2) if such a cost is not published, require a full documented listing of these costs, prepared and agreed to by the customer ~~client~~ and counselor. The costs used for this listing must be from documentable sources and of a nature which would be relied upon by a reasonably prudent individual in the conduct of his/her affairs.

e)~~d~~ Pursuant to DHS-ORS rules in Section 590.40, the client may choose his/her living arrangement, but DHS-ORS, in the calculation of maintenance, shall use the lowest cost determined by the counselor as adequate and necessary to meet the customer's ~~client's~~ basic needs.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Hearings Pursuant to Specific Rules

2) Code Citation: 35 Ill. Adm. Code 106

3)

Section Numbers:	Proposed Action:
106.940	New
106.942	New
106.944	New
106.946	New
106.948	New
106.950	New
106.952	New
106.954	New
106.956	New
106.958	New
106.960	New
106.962	New
106.964	New
106.966	New
106.968	New
106.970	New
106.972	New
106.974	New
106.976	New
106.978	New
106.980	New
106.982	New

4) Statutory Authority: 415 ILCS 5/52.3-2(c)

5) A Complete Description of the Subjects and Issues Involved: A more complete description of the proposed rules may be found in the Illinois Pollution Control Board's (Board) opinion and order of August 20, 1998, in R99-9. This rulemaking proposes to establish procedures for involuntary termination of "Environmental Management System Agreements" or "EMSAs" entered into pursuant to Section 52.3 of the Environmental Protection Act (Act), 415 ILCS 5/52.3. The proposed rules would be added to the existing procedural rules of the Board. Section 52.3 of the Act provides for a voluntary pilot program to allow persons to propose, and the Illinois Environmental Protection Agency (Agency) to accept pursuant to an EMSA, a pilot project to implement innovative environmental measures, even if one or more of the terms of the EMSA is inconsistent with an otherwise applicable statute or regulation of the State.

Section 52.3-2(c) of the Act requires the Agency to propose to the Board procedures to involuntarily terminate an EMSA. The Agency filed its proposal with the Board on August 17, 1998. Section 52.3-2(c) requires the Board to complete this rulemaking no later than 180 days after receipt

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of the Agency's proposal.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed rules do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act, 30 ILCS 805/3(b).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R99-9 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago IL 60601

and

Laurel L. Kroack
Assistant Counsel
Illinois Environmental Protection Agency
Bureau of Air
P.O. Box 19276
Springfield IL 62794-9276

Questions regarding this rulemaking may be directed to Richard McGill of the Board at 312-814-6983.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed rules establish procedures for involuntarily terminating participation in a voluntary pilot program that allows persons to propose pilot projects that could relax existing regulatory requirements. Persons who participate in the program are expected to do so because it will result in some reduced regulatory burden to them, generally in terms of paperwork reduction (e.g., recordkeeping and reporting requirements). In some cases, these persons may also reduce their regulatory burden through alternative compliance measures. The proposed rules could impact a

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small business, small municipality, or not for profit corporation that voluntarily participates in the program if the Agency finds it necessary to seek involuntary termination of that entity's EMSA.

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rules do not require persons to maintain any additional records.

C) Types of professional skills necessary for compliance: The proposed rules require no professional skills beyond those currently necessary to comply with the Board's existing procedural requirements.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE A: GENERAL PROVISIONS
CHAPTER I: POLLUTION CONTROL BOARD

PART 106
HEARINGS PURSUANT TO SPECIFIC RULES

SUBPART A: HEATED EFFLUENT DEMONSTRATIONS

Section
106.101 Petition
106.102 Requirements for Petition
106.103 Parties
106.104 Recommendation
106.105 Notice and Hearing
106.106 Transcripts
106.107 Opinion and Order

SUBPART B: ARTIFICIAL COOLING LAKE DEMONSTRATIONS

Section
106.201 Petition
106.202 Notice and Hearing
106.203 Transcripts
106.204 Effective Date

SUBPART C: SULFUR DIOXIDE DEMONSTRATIONS

Section
106.301 Petition
106.302 Requirements for Petition
106.303 Parties
106.304 Recommendation
106.305 Notice and Hearing
106.306 Transcripts

SUBPART D: RCRA ADJUSTED STANDARD PROCEDURES

Section
106.401 Petition (Repealed)
106.402 Notice of Petition (Repealed)
106.403 Recommendation (Repealed)
106.404 Response (Repealed)
106.405 Public Comment (Repealed)
106.406 Public Hearings (Repealed)
106.407 Decision (Repealed)
106.408 Appeal (Repealed)
106.410 Scope and Applicability

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106.411 Joint or Single Petition
106.412 Request to Agency to Join as Co-Petitioner
106.413 Contents of Petition
106.414 Response and Reply
106.415 Notice and Conduct of Hearing
106.416 Opinions and Orders

SUBPART E: AIR ADJUSTED STANDARD PROCEDURES

Section
106.501 Scope and Applicability
106.502 Joint or Single Petition
106.503 Request to Agency to Join As Co-Petitioner
106.504 Contents of Petition
106.505 Response and Reply
106.506 Notice and Conduct of Hearing
106.507 Opinions and Orders

SUBPART F: WATER WELL SETBACK EXCEPTION PROCEDURES

Section
106.601 Scope and Applicability
106.602 Contents of Petition
106.603 Response and Reply
106.604 Notice and Conduct of Hearing
106.605 Opinions and Orders

SUBPART G: ADJUSTED STANDARDS

Section
106.701 Applicability
106.702 Definitions
106.703 Joint or Single Petition
106.704 Request to Agency to Join As Co-Petitioner
106.705 Petition Contents
106.706 Petition Verification
106.707 Federal Procedural Requirements
106.708 Incorporated Material
106.709 Motions
106.710 Service of Filings
106.711 Petition Notice
106.712 Proof of Petition Notice
106.713 Request for Public Hearing
106.714 Agency Response
106.715 Amended Petition and Amended Response
106.801 Hearing Scheduled
106.802 Hearing Notice
106.803 Pre-Hearing Submission of Testimony and Exhibits

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106.804 Discovery
106.805 Admissible Evidence
106.806 Order of Hearing
106.807 Post-hearing Comments
106.808 Burden of Proof
106.901 Board Deliberations
106.902 Dismissal of Petition
106.903 Board Decision
106.904 Opinion and Order
106.905 Appeal of Board Decisions
106.906 Publication of Adjusted Standards
106.907 Effect of Filing a Petition

SUBPART H: REVOCATION AND REOPENING OF CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMITS

Section
106.910 Applicability
106.911 Definitions
106.912 Petition
106.913 Response and Reply
106.914 Notice and Hearing
106.915 Opinion and Order
106.916 USEPA Review of Proposed Determination

SUBPART I: MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY DETERMINATIONS

Section
106.920 Applicability
106.921 Definitions
106.922 Petition
106.923 Response and Reply
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SUBPART J: CULPABILITY DETERMINATIONS

Section
106.930 Applicability
106.931 Petition for Review
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106.933 Notice and Hearing
106.934 Opinion and Order

SUBPART K: INVOLUNTARY TERMINATION PROCEDURES FOR EMSAs

Section
106.940 Purpose, Applicability

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106.942 Definitions
106.944 Severability
106.946 Who May Initiate, Parties
106.948 Notice, Statement of Deficiency, and Answer
106.950 Service
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106.962 Intervention
106.964 Continuances
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106.972 Authority of Hearing Officer, Board Members and Board Assistants
106.974 Order and Conduct of Hearing
106.976 Evidentiary Matters
106.978 Post-Hearing Procedures
106.980 Motion Subsequent to Entry of Final Order
106.982 Relief from Section 106.956 Final Orders

APPENDIX A Old Rule Numbers Referenced

AUTHORITY: Implementing Sections 5, 14.2(c), 22.4, 27, 28, 28.1, 28.5 and 39.5 and authorized by Sections 26 and 39.5 of the Environmental Protection Act [415 ILCS 5/5, 14.2(c), 22.4, 27, 28, 28.1, 28.5, 26 and 39.5]

SOURCE: Filed with Secretary of State January 1, 1978; amended at 4 Ill. Reg. 2, p. 186, effective December 27, 1979; codified at 6 Ill. Reg. 8357; amended in R85-22 at 10 Ill. Reg. 992, effective February 2, 1986; amended in R86-46 at 11 Ill. Reg. 13457, effective August 4, 1987; amended in R82-1 at 12 Ill. Reg. 12484, effective July 13, 1988; amended in R88-10 at 12 Ill. Reg. 12817, effective July 21, 1988; amended in R88-5(A) at 13 Ill. Reg. 12094, effective July 10, 1989; amended in R88-5(B) at 14 Ill. Reg. 9442, effective June 5, 1990; amended in R93-24 at 18 Ill. Reg. 4230, effective March 8, 1994; amended at 18 Ill. Reg. 11579, effective July 11, 1994; amended in R99-9 at 22 Ill. Reg. _____, effective _____.

SUBPART K: INVOLUNTARY TERMINATION PROCEDURES FOR EMSAs

Section 106.940 Purpose, Applicability

a) The purpose of this Subpart is to set forth the criteria and procedures for involuntary termination of an EMSA, as defined in Section 106.942 of this Part.

b) This Subpart shall apply to all proceedings to involuntarily terminate an EMSA entered into pursuant to Section 52.3 of the Act and 35 Ill.

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Adm. Code 187, except as set forth in subsection (c) of this Section.

c) This Part is not applicable to any sponsor that is subject to termination of an EMSA by the Agency pursuant to Section 52.3-4(b) of the Act.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.942 Definitions

For purposes of this Subpart, the words and terms used in this Subpart shall have the meanings given below. Words and terms not defined in this Subpart, if defined in the Act, shall have the meanings as provided in the Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the *Environmental Protection Agency established by the Act.* (Section 3.08 of the Act)

"Board" means the Illinois Pollution Control Board established by Section 5 of the Act.

"Clerk" means the Clerk of the Board.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Environmental Management System" means the system by which an entity achieves continuous environmental improvement by integrating environmental management into on-going business planning and manages environmental performance, including, but not limited to, environmental management systems implementing International Organization for Standardization (IOS) 14001 standard.

"Environmental Management System Agreement" or "EMSA" means the agreement between the Agency and a sponsor that describes the innovative environmental measures to be implemented, schedules for attaining goals, and mechanisms for accountability.

"Innovative Environmental Measures" means any procedures, practices, technologies or systems that pertain to environmental management and are expected to improve environmental performance when applied.

"Pilot Program" means the program described in this Part that allows the use of EMSAs to promote innovative environmental measures.

"Pilot Project" means an innovative environmental project covering one or more designated facilities, designed and implemented in the form of

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an EMSA executed by the Agency and a sponsor in accordance with this Part.

"Sponsor" means the proponent of a pilot project that enters into an EMSA with the Agency.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.944 Severability

If any provision of this Subpart is adjudged invalid, or if its application to any person or in any circumstance is adjudged invalid, such invalidity does not affect the validity of this Subpart as a whole, or any Section, subsection, sentence or clause not adjudged invalid.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.946 Who May Initiate, Parties

a) A proceeding to involuntarily terminate an EMSA may only be commenced by the Agency.

b) The Agency shall be designated the complainant. The sponsor of an EMSA shall be designated as, and shall be, the sole respondent.

c) Misnomer of a party is not a ground for a dismissal; the name of any party may be corrected at any time.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.948 Notice, Statement of Deficiency, and Answer

a) A proceeding to involuntarily terminate an EMSA shall be commenced by the service of a notice and a statement of deficiency upon the respondent and the filing of 10 copies of the notice and statement of deficiency with the Clerk.

b) The notice shall be directed to the respondent notifying the respondent of the filing of the accompanying statement of deficiency.

c) The statement of deficiency shall contain:

1) The stated basis for respondent's alleged deficient performance as provided in Section 106.954 below;

2) The dates, location, nature, extent and duration of any act or omission, and amount and other characteristics of any discharges or emissions, alleged to constitute violations of the provisions of the Act or regulations applicable to the Pilot Project and not addressed by the EMSA;

3) The dates, location, nature, extent and duration of any act or

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omission, and amount and other characteristics of any discharges or emissions, alleged to constitute violations of the EMSA; and

4) With respect to subsections (c)(1) through (c)(3) of this Section, the complaint shall contain sufficient detail to advise respondent of the extent and nature of the alleged violations to reasonably allow preparation of a defense.

d) Respondent must file an answer within 15 days after receipt of the statement of deficiency. All material allegations of the complaint shall be taken as admitted if not specifically denied by the answer, or if no answer is filed. Any facts constituting an affirmative defense that would be likely to take the complainant by surprise must be plainly set forth in the answer prior to hearing.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.950 Service

a) A copy of the notice and statement of deficiency shall either be served personally on the respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the respondent or his authorized agent. Proof shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt. Proof of service of the notice and complaint shall be filed with the Clerk immediately upon completion of service.

b) After notice and statement of deficiency, all motions and all other notices shall be served personally, by First Class United States mail, sufficient postage affixed thereto, or by overnight delivery by a nationally recognized courier service, and 10 copies of motions and notices shall be filed with the Clerk with proof of service.

c) Service is presumed complete upon personal service, four days after deposit in the United States First Class mail, sufficient postage affixed thereto, or the next business day upon deposit with a nationally recognized courier service for overnight delivery.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.952 Notice of Hearing

a) The Clerk shall assign a docket number to each statement of deficiency filed, deposit the statement of deficiency and notice in the Board's files, and distribute copies to each Board Member. Any hearing shall be held not later than 60 days after filing of the notice and statement of deficiency.

b) The Chairman shall designate a Hearing Officer and the Clerk shall notify the parties of such designation. The Hearing Officer may be a

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Member of the Board if otherwise qualified.

c) The Hearing Officer, after appropriate consultation with the parties, shall set a time and place for hearing to be held within 60 days after the filing of the statement of deficiency. The Board shall not extend the time for hearing unless all parties agree to the extension or there are extreme and unanticipated or uncontrollable circumstances warranting the delay of hearing. In any such event, the Board shall grant no delay of hearing in excess of 30 additional days.

d) The hearing shall be held in the county in which the Pilot Project is located, or in such other county as the Hearing Officer shall for stated cause designate.

e) The Hearing Officer shall give notice of the hearing, at least 20 days before the hearing, to the parties in accordance with Section 106.950(b) of this Part.

f) The Agency shall give notice of each complaint and hearing at least 10 days before the hearing to:

1) All stakeholders named or listed in the EMSA or otherwise involved in the development of the EMSA for the Pilot Project in accordance with Section 106.950(b); and

2) The public, by public advertisement in a newspaper of general circulation in the county in which the Pilot Project is located.

g) Failure to comply with the provisions of this Section may not be used as a defense to an involuntary termination action, but any person adversely affected by such failure of compliance may upon motion to the Hearing Officer have the hearing postponed if prejudice is shown.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.954 Deficient Performance

For purposes of this Subpart, the performance of a sponsor is deficient if the Agency asserts and the Board finds that any of the following conditions exist:

a) The factual basis for entering into the EMSA was misrepresented by the sponsor.

b) The sponsor has failed to provide access to the Pilot Project for the Agency to monitor compliance with an EMSA.

c) The sponsor has falsified any monitoring data, recordkeeping information or reports.

d) The sponsor or the owner or operator of the Pilot Project has failed to comply with one or more requirements of any federal or local environmental law or regulation applicable to the Pilot Project and not addressed by the EMSA and for which the appropriate authority has sent a notice of violation, complaint or other notice of failure to comply to the sponsor or the owner or operator of the Pilot Project.

e) The sponsor or the owner or operator of the Pilot Project has failed to comply with one or more requirements of any State environmental law or regulation applicable to the Pilot Project and not addressed by the

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EMSA, and the Agency has mailed a notice of violation to the sponsor or the owner or operator of the Pilot Project pursuant to Section 31(a) or (b) of the Act.

f) The sponsor or owner or operator of the Pilot Project has failed to comply with one or more provisions in its EMSA, subject to any grace or cure periods or rights contained therein.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.956 Board Decision

a) The Board shall prepare a written opinion and order for all final determinations that shall include findings of fact (with specific page references to principal supporting items of evidence in the record) and conclusions of law (supported by adequate reasoning) on all material issues.

b) The Board shall order an EMSA terminated if a sponsor does not respond to the Agency's statement of deficiency within the specified time. Such order shall be entered not later than 30 days after the filing of the petition.

c) If an answer has been timely filed by a sponsor, the Board shall render a final decision as an order within 30 days after the hearing that either:

1) Terminates the EMSA;

2) Defers termination for a specified time, not to exceed 90 days from the date of the order, during which the sponsor may rectify the deficient performance; or

3) Rejects termination of the EMSA.

d) The final Board opinion and order may include any or all of the following:

1) A direction to cease and desist from violations of the Act, of the Board's rules and regulations, or the provisions of the EMSA;

2) The imposition of performance assurance compensation in such amounts as appropriate in each case;

3) If the Board allows respondent an opportunity to come into compliance, the posting of sufficient performance bond or other security as provided by the Act or EMSA to assure the correction of such violation within the time prescribed; and

4) Such other order that may be appropriate.

e) The Clerk shall publish the order and opinion with the vote of each Board Member recorded and shall notify the parties required to be notified of the hearing from which the order arose of such order and opinion.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 106.958 Burden of Proof

The Agency shall have the burden of proving, by a preponderance of the evidence, that there has been deficient performance under the EMSA, as set forth in Section 106.954 of this Subpart.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.960 Motions and Responses

a) All motions preliminary to a hearing shall be presented to the Hearing Officer at least 10 days prior to the date of the hearing.

b) Motions by complainant to voluntarily dismiss an action as to any or all claims shall be directed to the Board and may be made orally upon the hearing record, or may be made in writing at any time prior to issuance of the Board's decision.

c) All motions must be served on all parties, including the Agency and its representative and the Hearing Officer designated by the Board, with proof of service.

d) Unless made orally on the record during a hearing or unless the Hearing Officer directs otherwise, a motion shall be in writing, shall state the reasons for and grounds upon which the motion is made, and may be accompanied by any affidavits or other evidence relied on and, when appropriate, by a proposed order.

e) Within 7 days after service of a written motion, or such other period as the Board or Hearing Officer may prescribe, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence. If no response is filed, the parties shall be deemed to have waived objection to the granting of the motion, but such waiver of objection does not bind the Board in its determination. The moving party shall not have the right to reply, except as permitted by the Hearing Officer or the Board.

f) No oral argument will be heard on a motion before the Board unless the Board so directs. A written brief may be filed with a motion or an answer to a motion, stating the arguments.

g) The Hearing Officer may rule upon all motions.

h) No interlocutory appeal of a motion may be taken to the Board from a ruling of the Hearing Officer.

i) Rulings of the Hearing Officer may be reviewed by the Board after conclusion of the hearing, but will be set aside only to avoid material prejudice to the rights of a party. The Hearing Officer, if a member of the Board, may vote upon motions to review his or her rulings as Hearing Officer.

j) Unless otherwise provided herein or ordered by the Board, the filing of a motion shall not stay the proceeding or extend the time for the performance of any act.

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(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.962 Intervention

a) Upon timely written application and subject to the necessity for conducting an orderly and expeditious hearing, the Hearing Officer shall permit any person who participated in the public hearing on the sponsor's EMSA, as provided in 35 Ill. Adm. Code 187.404, and is so situated that he or she may be adversely affected by a final order of the Board, to intervene in an involuntary termination proceeding.

b) Ten copies of a petition for intervention shall be filed with the Board and the applicant shall also serve copies on each party not later than 48 hours prior to the date set for hearing. The Hearing Officer may permit intervention at any time before the beginning of the hearing when good cause for delay is shown.

c) An intervenor shall have all the rights of an original party, except that the intervenor shall be bound by orders theretofore issued and shall not raise issues that actually were raised or were required to be raised at an earlier stage of the proceeding.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.964 Continuances

A motion for continuance for any involuntary termination proceeding shall be granted by the Hearing Officer whenever justice may require. All motions for continuance must be supported by an affidavit or written motion before the Hearing Officer by the person or persons having knowledge of the facts supporting the motion. However, if the Board determines, in its discretion, that any involuntary termination proceeding is not proceeding expeditiously to a conclusion, the Board shall order such actions as it deems appropriate to reach an expeditious conclusion.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.966 Discovery, Admissions

a) Pre-trial discovery, except requests for production of documents, admissions of fact and the production of the identity and location of persons having knowledge of facts, as set forth in subsection (b) below, shall not be permitted except as agreed to by all parties and directed pursuant to a Hearing Officer order.

b) Regarding any matter not privileged, the Hearing Officer shall order requests for production of documents and the production of the identity and location of persons having knowledge of facts upon the

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written request of any party when parties cannot agree on the legitimate scope of such requests. It is not a ground for objection that the documents will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence or is relevant to the subject matter involved in the pending action.

c) The Hearing Officer shall order:
   1) The production of the identity and location of persons having knowledge of relevant facts.
   2) The production of evidence under the control or possession of any party for the purposes of inspection and where necessary for purposes of copying or duplication. This shall include the right of reasonable inspection of the Pilot Project.

d) The Hearing Officer may at any time on his or her own initiative, or on motion of any party or witness, make a protective order as justice requires, denying, limiting, conditioning or regulating discovery to prevent unreasonable delay, expense, harassment, or oppression, or to protect materials from disclosure by the party obtaining such materials consistent with the provisions of Sections 7 and 7.1 of the Act.

e) All objections to rulings of the Hearing Officer shall be made in the record.

f) Section 106.960(d), (e), (f), (g), (h), (i) and (j) of this Part shall apply regarding procedures for ruling on objections.

g) Failure to comply with any ruling shall subject the person to sanctions under 35 Ill. Adm. Code 107.

h) Request for Admission of Fact. A party may serve on any other party, no sooner than 15 days after filing of the complaint, a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request.

i) Request for Admission of Genuineness of Document. A party may serve on any other party, no sooner than 15 days after filing of the complaint, a written request for admission of the genuineness of any relevant documents described in the request. Copies of the document shall be served with the request unless copies have already been furnished.

j) Admission in the Absence of Denial. Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 15 days after service under subsection (i), the party to whom the request is directed serves upon the party requesting the admission either a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why he cannot truthfully admit or deny those matters or written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request.

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A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, the party shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the Hearing Officer upon prompt notice and motion of the party making the request.

k) Effect of Admission. Any admission made by a party pursuant to request under this Section is for the purpose of the pending action only. It does not constitute an admission by the party for any other purpose and may not be used against the party in any other proceeding.

l) Expenses of Refusal to Admit. If a party, after being served with a request to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter of fact, he or she may apply to the Board for an order under 35 Ill. Adm. Code 107.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.968 Subpoenas

a) Upon timely motion to the Board by any party, or on motion of the Hearing Officer or the Board, the Hearing Officer or the Board shall issue a subpoena for attendance at a hearing. The subpoena may include a command to produce evidence reasonably necessary to resolve the matter under consideration, subject to the limitations on discovery prescribed by this Subpart. A copy of the subpoena shall be served upon the Clerk for Board files. If the witness, other than a sponsor, is a non-resident of the State, the order may provide such terms and conditions in connection with his or her appearance at the hearing as are just, including payment of reasonable expenses.

b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place specified.

c) The Hearing Officer or the Board, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, may quash or modify the subpoena if it is unreasonable and oppressive.

d) Failure of any witness to comply with a Board subpoena shall subject the witness to sanctions under 35 Ill. Adm. Code 107.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.970 Settlement Procedure

a) All parties to any case in which a settlement or compromise is

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proposed shall file with the Hearing Officer at the time of the scheduled hearing a written statement, signed by the parties or their authorized representatives, outlining the nature of, the reasons for, and the purpose to be accomplished by the settlement. Such statement shall contain:

1) A full stipulation of all material facts pertaining to the nature, extent and causes of the alleged violations;

2) The nature of the relevant parties' operations and control equipment;

3) Any explanation for past failures to comply and an assessment of the impact on the public from such noncompliance;

4) Details as to future plans for compliance, including a description of additional control measures and the dates for their implementation; and

5) The proposed performance assurance payment, if any.

b) No hearing is required by the Board to dismiss a complaint pursuant to an agreed settlement under this Section.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.972 Authority of Hearing Officer, Board Members and Board Assistants

a) The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. He or she shall have all powers necessary to these ends including (but not limited to) the authority to:

1) Issue discovery orders;

2) Rule upon objections to discovery orders;

3) Make such protective orders as justice requires, denying, limiting, conditioning or regulating discovery to prevent unreasonable delay, expense, harassment, or oppression, or to protect materials from disclosure by the party obtaining such materials;

4) Administer oaths and affirmations;

5) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence, subject to Section 106.974(b) of this Subpart;

6) Regulate the course of the hearings and the conduct of the parties and their counsel;

7) Examine witnesses for the sole purpose of clarifying the record established by the parties at the hearing. When any party is not represented by counsel, the Hearing Officer may examine and cross examine any witness to insure a clear and complete record. However, the Hearing Officer may not exclude exhibits or other testimony as a result of the examination unless all parties so

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agree; and

8) Except as otherwise provided, consider and rule as justice may require upon motions appropriate to an adjudicative proceeding.

b) Any Board Member or assistant to the Board Member present at the hearing may advise the Hearing Officer and may interrogate witnesses but shall not have the authority to rule on objections or motions or to overrule the Hearing Officer during the hearing.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.974 Order and Conduct of Hearing

a) The following shall be the order of all involuntary termination hearings, subject to modification by the Hearing Officer for good cause:
   1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;
   2) Presentation of opening statements;
   3) Complainant's case in chief;
   4) Respondent's case in chief;
   5) Complainant's case in rebuttal;
   6) Statements from interested citizens, as authorized by the Hearing Officer;
   7) Complainant's opening argument, which may include legal argument;
   8) Respondent's closing argument, which may include legal argument;
   9) Complainant's closing argument, which may include legal argument;
   10) Presentation and argument of all motions prior to submission of the transcript to the Board; and
   11) A schedule for submission of briefs to the Board.

b) All hearings under this Part shall be public, and any person not a party and not otherwise a witness for a party may submit written statements relevant to the subject matter of the hearing. Any person submitting such a statement may be subject to cross-examination by any party. If such person is not available for cross-examination upon timely request, the written statement may be stricken from the record. The Hearing Officer shall permit any person to offer reasonable oral testimony whether or not a party to the proceedings.

c) All witnesses shall be sworn.

d) Upon the conclusion of the hearing, the Hearing Officer shall make a statement as to the credibility of witnesses. This statement shall be based upon the Hearing Officer's legal judgment and experience and shall indicate whether he or she finds credibility to be at issue in the case and if so, the reasons why. This statement shall become a part of the official record and shall be transmitted by the Hearing Officer to each of the parties in the case. No other statement shall be made or be appropriate unless otherwise ordered by the Board.

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(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.976 Evidentiary Matters

The provisions of 35 Ill. Adm. Code 103.204 through 103.210 regarding admissible evidence, written narrative testimony, official notice, viewing of premises, admission of business records, examination of adverse party or agent, hostile witnesses and compelling appearance thereof at hearing, and amendment and variance of pleadings and proof shall apply to proceedings under this Subpart.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.978 Post-Hearing Procedures

The provisions of 35 Ill. Adm. Code 103.220 through 103.223 regarding default, transcripts, the record, briefs and oral arguments shall apply to proceedings under this Subpart.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.980 Motion Subsequent to Entry of Final Order

Within 15 days after the adoption of a final order, any party may file a motion for rehearing or modification of the order or to vacate the order or for other relief. Response to the motion shall be filed within 10 days from the filing thereof. A motion filed within 15 days stays enforcement of the final order.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 106.982 Relief from Section 106.956 Final Orders

a) Clerical mistakes in orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the Board at any time of its own initiative or on the motion of any party and after such notice, if any, as the Board orders. During the pendency of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be corrected with leave of the appellate court.

b) On motion and upon such terms as are just, the Board may relieve a party or legal representative from a final order, for the following:
   1) Newly discovered evidence that by due diligence could not have been discovered in time under Section 106.956; or
   2) Fraud (whether heretofore denominated intrinsic or extrinsic),

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misrepresentation, or other misconduct of an adverse party; or

3) Void order.

c) A motion under this Section does not affect the finality of a Board order or suspend the operation of a Board order. The motion must be filed in the same proceeding in which the order was entered but is not a continuation of the proceeding. The motion must be supported by affidavit or other appropriate showing as to matters not of record. All parties to the motion shall be notified as provided by Section 106.950(b) of this Subpart.

d) This motion shall be filed with the Board within 30 days after entry of the order.

(Source: Added at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Health Care Facility and Program Initial Certification Fee Code

2) Code Citation: 77 Ill. Adm. Code 230

3)

Section Numbers:	Proposed Action:
230.100	New Section
230.200	New Section
230.300	New Section
230.400	New Section

4) Statutory Authority: Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82]

5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82] that was added by P.A. 89-499 to permit the Department to charge a fee for initial certification (Medicare and Medicaid) surveys.

Certification is a voluntary federal program, and the federal government is supposed to reimburse the Department for the cost of conducting initial certification surveys. However, the federal government has not provided reimbursement for the last two federal fiscal years, and the Department has not conducted these surveys, without which a health care facility or program cannot participate in certification.

This rulemaking sets forth a process for establishing a fee for initial certification surveys. If the federal government provides reimbursement, fees will be reduced by the amount provided for similar surveys during the last quarter. If the applicant declines to pay the fee, the survey will be conducted when and if full federal reimbursement resumes.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of this notice in the *Illinois Register*.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain any incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objectives: This rulemaking does not expand or create a State Mandate. Participation in federal certification is voluntary.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217/782-2043)
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Long-term care facilities, home health agencies, rural health clinics, end-stage renal dialysis centers, hospice programs, hospitals, ASTCs, physical and occupational therapy programs, portable x-ray programs

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 230
HEALTH CARE FACILITY AND PROGRAM INITIAL CERTIFICATION FEE CODE

Section
230.100 Definitions
230.200 Costs and Fees
230.300 Application Processing
230.400 Health Care Facility and Program Survey Fund

AUTHORITY: Implementing and authorized by Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82].

SOURCE: Adopted at 22 Ill. Reg. _____, effective _____.

Section 230.100 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Civil Administrative Code of Illinois.

Applicant - the health care facility or program applying for initial Medicare or Medicaid certification.

Department - the Illinois Department of Public Health.

Health care facility or program - an entity *applying to be certified to participate in the Medicare Program under Title XVIII of the federal Social Security Act or in the Medicaid Program under Title XIX of the federal Social Security Act.* (Section 55.82 of the Civil Administrative Code of Illinois [20 ILCS 2310/55.82])

Section 230.200 Costs and Fees

a) The Department shall *charge a fee to any* health care *facility or program applying to be certified to participate in the Medicare Program or in the Medicaid Program to cover the costs associated with the application, inspection and survey of the facility or program and processing of the application, including personnel costs.* (Section 55.82 of the Act)

b) The costs associated with conducting health care facility or program initial certification inspections shall be calculated based on the

following:

1) Number of hours to conduct survey for facility or program type, i.e., long-term care facility, home health agency, rural health clinic, end-stage renal dialysis center, hospice program, hospital, physical or occupational therapist in independent practice, occupational therapy, speech therapy, outpatient physical therapy, ambulatory surgical treatment center, portable x-ray unit;
2) *Personnel costs* (i.e., average salaries of surveyors and retirement, insurance, and social security benefits);
3) Travel costs;
4) *Processing of the application.* (Section 55.82 of the Act)

c) The fee charged to a health care facility or program for an initial certification inspection shall be determined by the actual average cost for conducting surveys for that type of program or facility during the previous 12 months.

d) The fee shall be reduced by the amount *reimbursed to the State by the federal government* for surveys for that type of program or facility during the previous quarter of the federal fiscal year.

e) The Department shall notify the applicant of the amount of the fee within 30 days after receiving a completed application.

f) *The fee shall be paid by the facility or program before the application is processed.* (Section 55.82 of the Civil Administrative Code of Illinois) If the applicant does not submit the fee to the Department within 30 days after receipt of the notice, the applicant shall be considered to have declined the certification inspection.

g) The Department shall not refund initial certification inspection fees.

Section 230.300 Application Processing

a) An application for initial Medicare or Medicaid certification shall be submitted to the Department in accordance with instructions from the Health Care Financing Administration (HCFA), if required. Information requested may include, but is not limited to:
   1) Applicant information, including whether the applicant is an individual or organization, Board Certification, and professional licensure;
   2) Location information, including billing address and location of patient records;
   3) Exclusion/sanction information;
   4) Prior practice information;
   5) Managing/directing employee information;
   6) Ownership information;
   7) Chain organization information;
   8) Parent/joint venture/subsidiary information;
   9) Contractor information;
   10) Electronic submission information.

b) The Department shall process the application and conduct an initial

certification inspection within 30 days after receipt of the initial certification inspection fee.

Section 230.400 Health Care Facility and Program Survey Fund

The fees received by the Department under this Part *shall be deposited into the Health Care Facility and Program Survey Fund in the State Treasury.* (Section 55.82 of the Act)

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Certificates of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number: 1010.160 — Proposed Action: Amendment

4) Statutory Authority: Implementing Chapter 3, and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/3 and 2-104(b)], as amended by P.A. 90-665.

5) A Complete Description of the Subjects and Issues Involved: Public Act 90-665 now permits a lienholder who lawfully repossesses a vehicle to transfer the vehicle directly to a purchaser without having to first apply for title in the lienholder's name (except in situations where the title certificate has been lost). The rules reflect the Act's modification of certain information that is now required to be provided to the owner before the lienholder may sell the vehicle.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporation by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Carol Sudman, Assistant Counsel
298 Howlett Building
Springfield, Illinois 62756
217/785-3094
csudman@ccgate.sos.state.il.us

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This rule may affect any business that finances or places consensual liens on vehicles. This rule will not affect any not for profit entity or unit of government.

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B) Reporting, bookkeeping or other procedures required for compliance: No additional reporting requirements are imposed.

C) Types of professional skills necessary for compliance: No professional skills are relevant to this rulemaking.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Section
1010.10 Owner--Application of Term
1010.20 Secretary and Department

SUBPART B: TITLES

Section
1010.110 Salvage Certificate-Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate-Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification
1010.180 Specially Constructed Vehicles - Defined
1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration
1010.190 Issuance of Title and Registration Without Standard Ownership Document - Bond

SUBPART C: REGISTRATION

Section
1010.210 Application for Registration
1010.220 Vehicles Subject to Registration-Exceptions
1010.230 Refusing Registration or Certificate of Title
1010.240 Registration Plates To Be Furnished By The Secretary of State
1010.250 Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Section
1010.300 Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
1010.310 Improper Use of Evidences of Registration
1010.320 Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles

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1010.330 Operation of Vehicle Without Proper Illinois Registration
1010.350 Suspension or Revocation
1010.360 Surrender of Plates, Decals or Cards

SUBPART E: SPECIAL PERMITS AND PLATES

Section
1010.410 Temporary Registration-Individual Transactions
1010.420 Temporary Permit Pending Registration In Illinois
1010.421 Issuance of Temporary Registration Permits by Persons or Entities Other Than the Secretary of State
1010.425 Non-Resident Drive-Away Permits
1010.426 Five Day Permits
1010.430 Registration Plates for Motor Vehicles Used for Transportation of Persons for Compensation and Tow Trucks
1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450 Special Plates
1010.451 Purple Heart License Plates
1010.452 Special Event License Plates
1010.453 Retired Armed Forces Licenses Plates
1010.454 Gold Star License Plates
1010.455 Collectible License Plates
1010.456 Sample License Plates For Motion Picture and Television Studios
1010.457 Korean War Veteran License Plates
1010.458 Collegiate License Plates
1010.460 Special Plates for Members of the United States Armed Forces Reserves
1010.470 Dealer Plate Records
1010.480 State of Illinois In-Transit Plates

SUBPART F: FEES

Section
1010.510 Determination of Registration Fees
1010.520 When Fees Returnable
1010.530 Circuit Breaker Registration Discount
1010.540 Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section
1010.610 Unlawful Acts, Fines and Penalties
1010.620 Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

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Section
1010.705 Reciprocity
1010.710 Vehicle Proration
1010.715 Proration Fees
1010.720 Vehicle Apportionment
1010.725 Trip Leasing
1010.730 Intrastate Movements, Foreign Vehicles
1010.735 Interline Movements
1010.740 Trip and Short-term Permits
1010.745 Signal 30 Permit for Foreign Registration Vehicles (Repealed)
1010.750 Signal 30-Year-round for Prorated Fleets of Leased Vehicles (Repealed)
1010.755 Mileage Tax Plates
1010.756 Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760 Transfer for "For-Hire" Loads
1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 3 and 2-104(b)].

SOURCE: Filed and effective December 15, 1970; emergency amendment at 2 Ill. Reg. 25, p. 119, effective June 14, 1978, for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendment at 4 Ill. Reg. 21, p. 99, effective May 14, 1980, for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill.

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Reg. 15102, effective September 15, 1989; amended at 14 Ill. Reg. 4560, effective March 1, 1990; amended at 14 Ill. Reg. 6848, effective April 18, 1990; amended at 14 Ill. Reg. 9492, effective June 1, 1990; amended at 14 Ill. Reg. 19066, effective November 15, 1990; amended at 15 Ill. Reg. 12782, effective August 15, 1991; amended at 16 Ill. Reg. 12587, effective August 1, 1992; amended at 19 Ill. Reg. 11947, effective August 1, 1995; amended at 19 Ill. Reg. 16289, effective November 27, 1995; amended at 20 Ill. Reg. 11349, effective August 1, 1996; amended at 21 Ill. Reg. 8408, effective June 23, 1997; amended at 21 Ill. Reg. 13372, effective September 17, 1997; amended at 22 Ill. Reg. 8521, effective April 28, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: TITLES

Section 1010.160 Repossession of Vehicles by Lienholders and Creditors

a) Pursuant to Section 3-114 of the Illinois Vehicle Code [625 ILCS 5/3-114] ~~a--consent--decree-entered-in-Gibson-v.-Dixon,-579-F.2d-1071 (7th-Cir.-1978)~~, the Secretary of State established these procedures to be followed by a lienholder to allow the lienholder to obtain a certificate of title for a repossessed vehicle for which the lienholder does not have an assignment of title by the owner.

b) Procedures

1) The lienholder (creditor) shall forward the following forms to the owner (debtor) of the vehicle at his/her/its last known address. The lienholder shall deliver or mail these forms. ~~by regular-mail-and-by-certified-mail,-return-receipt-requested~~

A) "Notice of Redemption", which shall include: ~~Intent--to--the Debtor~~"

i) the name of the owner of record and, in bold type at or near the top of the notice, a statement that the owner's vehicle was repossessed on a specified date for failure to make payments on the loan (or other reason);

ii) a description of the vehicle subject to the lien sufficient to identify it, i.e., year, make, model, and vehicle identification number;

iii) the right of the owner to redeem the vehicle;

iv) the lienholder's intent to sell or otherwise dispose of the vehicle after the expiration of 21 days from the date of mailing or delivery of the notice; and

v) the name, address, and telephone number of the lienholder from whom information may be obtained concerning the amount due to redeem the vehicle and from whom the vehicle may be redeemed under Section 9-506 of the Uniform Commercial Code.

B) "Affidavit of Defense to the Creditor" (required only for the repossession of a vehicle used primarily for personal,

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family, or household purposes) that shall include:

i) the name of the lienholder, the name of the owner, and vehicle identification information, i.e., year, make, model, and vehicle identification number;

ii) space for the owner to state the defense claimed by the owner;

iii) an acknowledgement by the owner that the owner may be liable to the lienholder for fees, charges, and costs incurred by the lienholder in establishing the insufficiency or invalidity of the owner's defense; and

iv) notification that the "Affidavit of Defense to the Creditor" must be received by the lienholder no later than 21 days after the date of mailing or delivery of the "Notice of Redemption" in order to stop the transfer of title.

2) The debtor shall be allowed 21 days from the date of mailing of the "Notice of Redemption ~~Intent to the Debtor~~" to make restitution or to arrange a private settlement with the lienholder.

3) If the creditor obtains any "Affidavit of Defense to the Creditor," the creditor must apply to a court of competent jurisdiction to have the matter resolved. ~~The Office of the Secretary of State shall not issue a certificate of title to the creditor if the debtor returned any "Affidavit of Defense to the Creditor."~~ The Office of the Secretary of State shall not determine the merits of any debtor's "Affidavit of Defense to the Creditor."

4) If within 21 days from the date of the mailing of the "Notice of Redemption ~~Intent to the Debtor~~" the debtor neither submitted an "Affidavit of Defense to the Creditor" nor made restitution or any other agreement with the creditor, the creditor may apply for an Illinois Certificate of Title or assign the title to a third party purchaser to apply for title. The creditor or purchaser must submit the following documents:

A) An "Affidavit of Repossession" providing the following information: ~~stating that the "Notice of Intent to the Debtor" was mailed as prescribed above in subsection (b)(1) and that the creditor has not received from the debtor an "Affidavit of Defense to the Creditor."~~

i) that the vehicle was repossessed, and a description of the vehicle sufficient to identify it, i.e., year, make, model, and vehicle identification number;

ii) whether the vehicle has been damaged in excess of 33 1/3% of its fair market value (if the vehicle has been damaged in excess of 33 1/3% of fair market value, the lienholder shall apply for a salvage or junking certificate);

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iii) that the owner and any other lienholder on record were given notice, the owner of record was given the "Affidavit of Defense to Creditor" (required only for repossession of a vehicle used primarily for personal, family, or household purposes), and no response was received within 21 days after mailing or delivery;

iv) that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement; and

v) the purchaser's name and address.

The "Affidavit of Repossession" shall be submitted on a form prescribed by the Secretary of State, and can be obtained from any Secretary of State facility or by writing to the Vehicle Services Department, Howlett Building, Springfield IL 62756.

~~B) A copy of the contract establishing the debt between the creditor and debtor. The contract must indicate the make of the vehicle and be signed by the debtor.~~

B)~~C)~~ The outstanding Illinois Certificate of Title properly assigned to the purchaser. If the outstanding Illinois Certificate of Title is lost or otherwise not in the possession of the creditor, the creditor must apply for title in the creditor's own name, and attest on the "Affidavit of Repossession" that no third party is involved in the transaction and must also provide a copy of the contract establishing the debt between the creditor and debtor that specifically references the repossessed vehicle and is signed by the debtor.

~~D) A copy of the "Notice of Intent to the Debtor" and a copy of the signed return receipt form from the U.S. Postal Service. Alternatively, if the "Notice of Intent to the Debtor" was returned to the creditor stamped "undeliverable," the creditor shall submit either the original "Notice of Intent to the Debtor" with the original envelope or a copy of the "Notice of Intent to the Debtor" and a copy of the front and the back of the returned envelope.~~

C)~~E)~~ An application for a Certificate of Title or a Certificate of Salvage. The application shall name the creditor or purchaser as the vehicle's new owner.

D)~~F)~~ The applicant must submit the required ~~$3~~ title fee and applicable registration fees if the creditor or purchaser intends to operate the vehicle. Applicants who do not intend to operate the vehicle upon the public highways need not apply for registration at the time of acquisition. (See 92 Ill. Adm. Code 1010.510).

E) Proof of payment of vehicle use tax, i.e., ST-556 or RUT-25.

~~c) Description of Forms~~

~~The forms described below can be obtained from any Secretary of State~~

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~~facility or by writing to the Vehicle Services Department, Centennial Building, Springfield, Illinois 62756.~~

~~1)~~ ~~Notice of Intent to the Debtor~~
~~This form lists the names and addresses of the debtor and creditor, describes the vehicle by model year, make, vehicle identification number, and body type; identifies the creditor as a lienholder; advises the debtor that the creditor intends to apply to the Secretary of State for a Certificate of Title; advises the debtor that returning the enclosed "Affidavit of Defense to the Creditor" will stop the transfer of title unless the creditor obtains a court order directing the Secretary of State to issue a title to the creditor; advises the debtor that the debtor may be liable to the creditor for the cost of defending any invalid defense to the repossession.~~

~~2)~~ ~~Notice of Defense to the Creditor~~
~~This form identifies the parties and identifies the vehicle by model year, make, and vehicle identification number; states the defense claimed by the debtor; acknowledges that the debtor may be liable to the creditor for costs in defending an invalid defense to the repossession; and states that this form must be received by the creditor within 21 days of the date shown on the "Notice of Intent to the Debtor."~~

~~3)~~ ~~Affidavit of Repossession~~
~~This form states that the creditor is the lawful owner of the vehicle; identifies the vehicle by make, vehicle identification number, body type, model year, and title number; states that the vehicle is currently in the creditor's possession by reason of default on the part of the debtor; states that the "Notice of Intent to the Debtor" was mailed on a particular date and that 21 days have passed without receipt of the "Affidavit of Defense to the Creditor"; states that notice has been given to subordinate lienholders; and states whether the vehicle is damaged in excess of 25% of its fair market value.~~

c)~~d)~~ Miscellaneous

1) If the repossessed vehicle, on the date of repossession, is not damaged in excess of 33 1/3% ~~25%~~ of its fair market value, the lienholder or purchaser shall apply for a certificate of title. If the repossessed vehicle, on the date of repossession, is damaged in excess of 33 1/3% ~~25%~~ of its fair market value, the lienholder shall apply for a salvage certificate.

2) Role of the Office of the Secretary of State, Department of Vehicle Services

A) The Secretary shall not consider any ex parte allegations or assertions regarding the validity or invalidity of the creditor's claim to the vehicle or the debtor's asserted defenses to the repossession action.

B) If any "Affidavit of Defense to the Creditor" is received by the creditor, the creditor must apply to a court of competent jurisdiction to have the matter resolved and to have the court state which party is entitled to possession of the vehicle.

C) If the debtor has any complaint about the manner of notice or sends the "Affidavit of Defense to the Creditor" after the creditor has applied for a title, the debtor must apply to a court of competent jurisdiction to order the Secretary not to issue title to the creditor or to the creditor's assignee. If a new certificate of title has already been issued, the matter must be resolved by a court of competent jurisdiction.

3) "Date of mailing" means the date shown on the postmark.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers: Adopted Action:

590.10	Amendments
590.15	Amendments
590.20	Amendments
590.40	Amendments
590.50	Amendments
590.60	Amendments
590.80	Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) Effective Date of Amendments: August 24, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8686

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Table of Contents - Section 590.15 - "listed" was capitalized

590.10(c) "rule" was changed to "Part"

590.10(j) - ", and during any Canada Goose Season set in September, hunting hours shall close daily at sunset" was added at the end of the subsection

590.10(k) - underlining under "Quota" was removed

590.15(a) - "Person(s)" was changed to "Persons"

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590.20(c)(2)(C) - "$15.00" was changed to "$15"

590.50(a) - the period at the end of the subsection was removed

590.50(a) - the comma following "only" was changed to a semi- colon

590.60(b)(17)(E)(ii) - added "hunting" following "turkey" and deleted "hunting" prior to "allowed"

590.60(b)(19) - changed "(b)(19)" to "(b)(20)"

590.60(b)(2)(C) - changed "(b)(18)" to "(b)(20)"

590.60(b)(29)(E) - added hyphen between "walk" and "in"

590.60(b)(30)(C) - removed the comma following "first" in two places and added a hyphen following "come"

590.60(b)(30)(L) - changed "one" to "1"

590.80(b) - deleted "lands and waters covered in Section

590.60(b)(18)" and added "West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season"

590.80(c) - Lake Shelbyvile - added "; season opens with teal season" at the end of the subsection 590.80(c) - Rice Lake - added "season opens with teal season" prior to "closed"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Amendments to this Part were made to change statewide hunting regulations, open and close State-owned or -managed sites to the waterfowl seasons and change regulations and application procedures on the sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787

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217/782-1809

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590
DUCK, GOOSE AND COOT HUNTING

Section
590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on ~~all~~ Department-Owned and -Managed sites Listed in Sections 590.40 and 590.50
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25 Illinois Youth Waterfowl Hunting Permit Requirements
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and-Managed Sites (Repealed)
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites
EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill.

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Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective AUG 24 1998.

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.)*, and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.

b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more

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restrictive.

c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part ~~rule~~ are more restrictive.

d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.

e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bismuth BBB, tungsten-iron BB, or tungsten-polymer BB when attempting to take waterfowl.

f)~~e~~ Emergency Closure

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

g)~~f~~ Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

h)~~g~~ Commercial Migratory Waterfowl Hunting Area Permits

1) The holder of a permit shall forward information on harvest and hunters to the Department, on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

i)~~h~~ Waterfowl Hunting Zones:

1) North ~~Northern~~ Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's

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Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

5) South ~~Southern~~ Zone - From the southern boundary of the Central Zone south to the remainder of the State.

~~6) Fulton-Knox--County--Canada--Goose--Zone---Knox--County--and--the following--townships---in---Fulton---County:-Buckheart,---Canton, Cass,-Deerfield,-Fairview,-Farmington,-Joshua,-Orion,-Putnam,-and that--portion-of-Banner-Township-bounded-on-the-north-by-Illinois Route-9-and-on-the-east-by-U.S.-Route-24.~~

6)~~7)~~ Rend Lake ~~Canada-Goose~~ Quota Zone - all lands and waters in Franklin and Jefferson Counties.

7)~~8)~~ Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.

8)~~9)~~ Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

j)~~i)~~ No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset.

k)~~j)~~ On any property where the principal waterfowl harvest is wild geese in the Rend Lake ~~Canada-Goose~~ Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

l)~~k)~~ The following apply in the Northern and Central Illinois Quota Zones:

1) It is unlawful to hunt Canada geese during seasons ~~starting~~ after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon taking possession of a harvested Canada goose,

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hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.

3) Hunters must report their kill within 24 hours by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

m)~~l)~~ Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

(Source: Amended at 22 Ill. Reg. ~~15961~~, effective AUG 24 1998)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on ~~all~~ Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

a) Definitions

1) Blind site - A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department of Natural Resources.

2) Blind builder - Person who has been assigned a blind site as a result of the drawing.

3) Blind partner - Persons ~~Person(s)~~ chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.

4) Drawing - Procedure by which blind sites are assigned.

5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.

6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.

7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

8) Dog Hide - A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.

b) Blind Construction

1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

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3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department of Natural Resources shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.

5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days of the blind drawing date. Failure to do so shall result in forfeiture of blind.

6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.

7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.

8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their

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blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).

9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with two openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

c) Use of blinds

1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

2) No person shall hunt, or attempt to hunt, except from within a registered blind.

3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.

4) Blinds shall not be locked.

5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.

6) No person shall fish within 250 yards of an occupied blind within the hunting area.

7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.

8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

d) Public Drawing

1) Time and place for all sites holding drawings shall be publicly

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announced by the Department of Natural Resources.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.

2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.

3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.

4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

f) Special Hunts

If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites which, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.

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(Source: Amended at 22 Ill. Reg. 15961, effective AUG 24 1998)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area (for the 1998-1999 ~~1997/1998~~ season, permits will be issued through random daily drawings at the site at 5:00 a.m. and the permit requirements in subsections (b)(1) and (b)(5) do not apply)

Snake Den Hollow State Fish and Wildlife Area

Union County Conservation Area

b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.

2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].

3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one partner (two persons per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three partners (four persons per blind) for Banner Marsh. Unfilled blinds shall be filled by a drawing at the sites.

4) Permits are not transferrable.

5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office - Waterfowl
P.O. Box 19457
Springfield, IL 62794-9457

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c) General regulations
1) All use other than permit hunting is prohibited at Snake Den Hollow from October 1 through close of Fulton-Knox County goose season.
2) Hours, Permits and Stamp Charges
A) Hunting hours are from legal opening time until 1:00 p.m.
B) At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose seasons, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. At Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. ~~At Union County Conservation Area, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.~~
C) A $15~~.00~~ Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area.
3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
4) Guns must be unloaded and encased at all times when not hunting.
5) The legal hunting season for Union County Conservation Area is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25.)
6) The legal hunting season at Snake Den Hollow is the dates of the Fulton-Knox County goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season.
8) Hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag at Union County Conservation Area and Snake Den Hollow.
9) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.
10) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

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(Source: Amended at 22 Ill. Reg. 15961, effective AUG 24 1998)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
2) Batchtown (3:30 p.m. closing; Central Standard Time (CST)) (3 year blind allocation period)
3) Calhoun Point (3:30 p.m. CST closing) (3 year blind allocation period)
4) Glades (3:30 p.m. CST closing) (3 year blind allocation period)
5) Godar-Diamond (3:30 p.m. CST closing) (3 year blind allocation period)
6) Horseshoe Lake - Madison County (3:30 p.m. CST closing; 3 year blind allocation)
7) Lake DePue ~~(sunrise-opening)~~
8) Marshall County Conservation Area - (previous years blind builders shall have until February 1 to salvage blind materials) - Spring Branch Unit
9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
11) Sanganois State Fish and Wildlife ~~Conservation~~ Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held ~~prior to or~~ after the duck season)
12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
13) Stump Lake (3 year blind allocation period; 3:30 p.m. CST closing)
14) Woodford County Fish and Wildlife Area (previous year's blind builders have until February 1 to salvage blind materials)
15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result

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in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)

b) The following regulations apply to all sites listed in this Section under subsection (a):

1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.

3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.

4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.

5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck ~~waterfowl~~ season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck ~~waterfowl~~ season through the day before regular duck ~~waterfowl~~ season as posted at the site.

6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.

7) No more than 4 persons shall occupy a blind at one time.

8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m.,

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except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m. - 1:00 p.m.) after which time the area shall be closed to additional hunters.

10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.

11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

(Source: Amended at 22 Ill. Reg. 15961, effective AUG 24 1998)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year ~~blind materials must be salvaged 7 days after current year's drawing; except blind numbers 15, 18 and 20 must be removed in their entirety by May 1~~)

Des Plaines River Conservation Area (Goose hunting permitted

during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Helmbold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake DePue Walk-in Unit (daily drawing; 1:00 p.m. closed ~~daily hunting hours are sunrise to 1:00 p.m.~~)

Lake Sinnissippi (Department Owned Land; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31, and 32 must be removed in their entirety by 15 days after the close of the duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites ~~May 1~~)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Sinnissippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to

scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Pekin Lake (Department Owned Land)

Piasa Island (3 year blind allocation period)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

~~William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites at the drawing; previous years blind builders shall have until February 1 to salvage blind materials)~~

b) The following regulations apply to all sites listed in this Section under subsection (a).

1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.

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2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
6) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
7) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
8) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of regular duck ~~waterfowl~~ season through the close of regular duck and Canada goose ~~waterfowl~~ season as posted at the site.
9) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Des Plaines Conservation Area

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Kankakee River State Park

Redwing Slough/Deer Lake

~~William-Powers-Conservation-Area~~

(Source: Amended at 22 Ill. Reg. ~~15981~~, effective AUG 24 1998)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10)~~;--General--Department--Regulations--(Section--590.30)~~ and the following regulations, except as noted.

a) Regulations
   1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
   2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
   3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
   4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
   5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
   6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
   7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck ~~waterfowl~~ season through the close of regular duck and Canada goose ~~waterfowl~~ season except as indicated in the remainder of this Section.
   8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck ~~waterfowl~~ season as posted at the site.

b) Site specific regulations
   1) Cache River State Natural Area (1)
   2) Campbell Pond Wildlife Management Area (1)
   3) Carlyle Lake Project Lands and Waters
      A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of

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the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.

C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.

D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations.

E) In the subimpoundment areas, compartment 4 will be a waterfowl rest area during the entire waterfowl season. No hunting within 50 yards of rest area signs on E and F levees which contain subimpoundment 4 is permitted. No trespassing will be allowed, except for hunters boating through the area on the Kaskaskia River along F levee and boaters hunting on Hurricane Creek between C and D levees. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.

F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.

G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.

H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.

I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting

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hours shall close at sunset daily.

4) Chauncey Marsh (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

5) Clinton Lake (1)
A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
C) No more than 4 persons shall occupy or use a portable boat blind.
D) Each hunting party is required to hunt over a minimum of 12 decoys.
E) No hunting is permitted within 300 yards of power lines.

6) Cypress Pond State Natural Area <u>(hunters must sign in prior to hunting and sign out reporting harvest at the end of each day)</u> (1)

7) Dog Island Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

8) Donnelley State Wildlife Area
A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
B) Hunting hours start at sunrise.
C) Goose hunting is prohibited after the close of the duck season.
D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
F) ~~$10.00~~ daily usage stamp must be purchased to hunt this area.
G) No outboard motors are allowed by public - only by authorized DNR personnel.
H) No more than 3 persons shall occupy a blind at any one time.
I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.
J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

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K) The first weekend and the third Saturday of the regular duck ~~waterfowl~~ season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

9) East Conant Field
Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

10) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.

11) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

12) Freeman Mine
Hunting regulations will be publicly announced.

13)~~12)~~ Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

C) Access to water blind sites must be by boat only and from designated boat launch sites.

D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.

E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

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F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days ~~2 weeks~~ prior to regular duck season until the close of the regular duck and Canada goose ~~waterfowl~~ season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until ~~October 1 to~~ February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck ~~waterfowl~~ season.

H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.

J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

K) Hunting is closed on Christmas Day and New Year's Day.

L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

M) It is unlawful to shoot across any dike.

N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

14)~~13)~~ Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Hunters must return to the check station and report their

harvest by 2:00 p.m.

H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese;. hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

15)~~14)~~ Horseshoe Lake (Alexander County) Public Hunting Area

A) Closed to waterfowl hunting on Mondays and Tuesdays.

B) When duck season is closed, goose hunters may possess no more than 5 shells for each Canada goose or subspecies allowed in daily bag.

16)~~15)~~ Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

17)~~16)~~ Kaskaskia River Fish and Wildlife Area

A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.

C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area. ~~Between the Highway 13 and Highway 154 bridges, all hunters are required to sign out and report harvest daily at the nearest check station.~~

E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot, ~~and~~ archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) ~~hunting~~ allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

18)~~17)~~ Kinkaid Lake Fish & Wildlife Area (1)

19)~~18)~~ Lake Shelbyville (except for land/waters covered in subsection (b)(20) ~~(19)~~ of this Section) (1)

20)~~19)~~ Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

A) Waterfowl hunting shall be permitted as described below

except in duly posted restricted and "No Hunting" areas.

B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

i) All parties must hunt within 10 yards of their assigned stake.

ii) All parties must be in place by one-half hour before hunting time.

iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(20~~19~~)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.

D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

21)~~20)~~ Meredosia Lake - Cass County Portion Only (meandered waters only)

A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the

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period from one week before waterfowl season opens until the season closes.

B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

22)~~21)~~ Mermet

A) Waterfowl hunting shall be permitted only during the duck hunting season.

B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

C) The daily drawing shall be held one hour prior to legal opening time.

D) All members of the hunting party shall register as a group (not to exceed 4 persons per group) for the purpose of the drawing.

E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

G) Boats without motors may be used in the walk-in areas.

H) No hunting Christmas Day.

23) Newton Lake Fish and Wildlife Area

A) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis.

B) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

C) Upon vacating their blinds, hunters must place their completed harvest cards in the collection box located at the boat ramp.

D) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.

E) No more than 4 persons shall occupy a blind at one time.

F) The west arm of the lake shall be closed to all waterfowl

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hunting.

G) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.

H) Hunters wishing to move to another blind location may do so, providing they include the blind change on the harvest card and report their kill for each blind.

I) Access to blind sites shall be by boat only and from the west side boat ramps.

J) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.

K) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

L) No pits or blinds shall be built on State lease Ameren/CIPS land.

M) Blind site: A position between two like numbered stakes where a blind may be located.

N) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.

O) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

P) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.

Q) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

~~22) Midewin National Tallgrass Prairie~~

~~A) Hunters must check out by 2:00 p.m. A daily drawing will be held at the check station 60 minutes prior to legal hunting hours on each day hunting is allowed. A daily fee of $5.00 per person will be charged for waterfowl hunting.~~

~~B) Only walk in hunting will be permitted; blinds must be portable in nature or constructed of natural materials located at the blind site, and must be removed at the end of the day's hunt. A maximum of 3 hunters per blind will be allowed.~~

~~C) The site shall be closed to waterfowl hunting on Mondays, Tuesdays, Fridays, Thanksgiving, Christmas, New Year's Day, and during site firearms deer hunts.~~

~~D) Waterfowl hunters must hunt within 50 feet of the blind location marker. All movement on site must be directly between the check station and blind location. Entry into~~

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~~restricted--areas--shall--result--in--the--loss--of--hunting privileges-at-the-site-for-the-remainder-of-that-season.~~

24)~~23)~~ Oakford Conservation Area (1)

25)~~24)~~ Ray Norbut State Fish and Wildlife Area (1)

Statewide season regulations apply except that the season closes ~~November-30-in-Area-A-and~~ December 15 in Eagle Roost Area ~~Area-C~~, or the legal statewide closing, whichever is earlier.

26)~~25)~~ Rend Lake Project Lands and Waters

A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.

B) No hunting permitted from the subimpoundment dams.

C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

~~D) No--waterfowl--hunting--permitted--within--200--yards-of-any Whistling-Wings-Access-Area-daily-drawing-blind/pit.~~

D)~~E)~~ All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.

E)~~F)~~ All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

F)~~G)~~ Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

i) During goose season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.

ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.

iii) All hunters must have the registration card from the check station in their possession while hunting.

iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit. ~~Two standby-parties-will-be-drawn--for--pit--refill--after move-up--of--initial--hunting--parties,-in-the-reverse order-of-the-order-the-pits-were-drawn.~~

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v) No more than 6 dozen decoys may be used per pit.

vi) No more than 4 hunters will be allowed in a pit or hunting party.

G)~~H)~~ Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

H)~~I)~~ During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.

I)~~J)~~ The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.

iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.

iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.

v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at project limits.

J)~~K)~~ After the close of regular duck season, goose hunters may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

K)~~L)~~ Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a staked site at any given time.

ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.

iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in

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that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.

iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station. ~~Hunters (including those who are not drawn in the initial daily drawing) will not be allowed to enter the staked area until 9:00 a.m. No hunting party may enter the staked area after 9:30 a.m. Hunters will not be allowed to enter the staked area between 9:00 a.m. and 9:30 a.m. unless there are vacant staked hunting locations.~~

v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. Hunters must occupy the stake they have drawn by legal shooting time.

vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.

vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

27) ~~26)~~ Saline County Conservation Area (1)

A) Waterfowl hunting is allowed north of the township road only.

B) Walk-in hunting only.

C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.

28) ~~27)~~ Sand Ridge State Forest (Mud Turtle State Natural Area) (1)

A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.

B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.

C) Hunters must report harvest to site office.

29) ~~28)~~ Sanganois State Fish and Wildlife Area ~~Conservation Area~~

A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.

B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.

C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

D) Upon the completion of hunting, hunters must report to the check station within one hour.

E) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.

F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.

G) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

H) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

I) No hunting permitted from the walk-in area subimpoundment levee.

J) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

30) ~~29)~~ Sangchris Lake State Park

A) During the last 3 days of Canada goose season, hunting hours will close at statewide closing.

B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

C) During that portion of the goose season which follows the regular Canada goose season, the west-side goose pit area blinds shall be available for goose hunting on a daily basis. These west-side goose pit area blinds shall be allocated via a mail-in drawing from the office. Blinds not occupied one hour before shooting time shall be available on a first come-first served basis. All hunters must sign in at designated parking spots. Hunters may not possess more than 5 shells for each snow goose allowed in the daily bag limit.

D) ~~C)~~ All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after

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registering at the check station.

E)~~B~~ Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

F)~~E~~ There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(30)~~(27)~~(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

G)~~F~~ No more than 4 persons shall occupy a blind at one time.

H)~~G~~ The center arm of the lake shall be closed to all waterfowl hunting.

I)~~H~~ Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

J)~~I~~ Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

K)~~J~~ Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

L)~~K~~ All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from 1 Department designated blind or pit.

M)~~L~~ Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

N)~~M~~ No unauthorized pits or blinds shall be built on State managed ~~leased or Commonwealth Edison~~ land.

O)~~N~~ Blind sites: A position between two like numbered stakes within a cove or other Department designated site where a blind may be located.

P)~~O~~ Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

Q)~~P~~ Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except

at peninsula subimpoundments where only Department decoys may be used).

R)~~Q~~ When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.

S)~~R~~ During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

T) Peninsula subimpoundment blinds will be available on opening day of duck season and every Tuesday and Saturday through the duck season.

U) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday and December 24 and 25, through the regular Canada goose season.

V) Hunters in the west-side goose pit area may not possess more than 5 shells for each Canada goose allowed in the daily bag limit.

31)~~30~~ Sato Field
Waterfowl hunters must obtain permit prior to hunting. Permit must be returned by February 15.

32)~~31~~ Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited.

33)~~32~~ Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors.

34)~~33~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)
A) All hunting must be by walking into the area.
B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

35)~~34~~ Stephen A. Forbes State Park
A) On the main lake hunting is allowed from a boat blind only in the designated areas.
B) Only walk-in hunting is allowed in the subimpoundment.
C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

36)~~35~~ Ten Mile Creek Fish and Wildlife Area (1)
A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation

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has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shotgun shells for each Canada Goose allowed in the daily bag.

37)~~36)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (l)

38)~~37)~~ Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

B) During goose season waterfowl hunters may not possess more than 5 shells for each Canada Goose allowed in the daily bag.

C) During goose season hunting from staked sites only.

(Source: Amended at 22 Ill. Reg. 15961, effective AUG 24 1998)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).

2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.

3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.

4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.

5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.

6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.

7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.

b) The following sites will be opened to all goose hunting seasons:

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Blanding Wildlife Area @

Cache River Natural Area *

Carlyle Lake Project Lands and Water *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas) *

Kaskaskia River State Fish and Wildlife Area ~~(between the Highway 13 and Highway 154 bridges)~~ *

Kidd Lake State Natural Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season) ~~(except lands and waters covered in Section 590.60(b)(10))~~

Marshall Fish and Wildlife Area * # @

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area *

Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

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Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area #

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Union County Conservation Area (firing line and controlled hunting area) *

Woodford Fish and Wildlife Area * # @

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) * @

~~Horseshoe--Lake--Fish--and--Wildlife-Area-(Controlled-Hunting-Area-and Public-Hunting-Areas)~~

Horseshoe Lake State Park (Madison County) #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

~~Union-County-Fish-and-Wildlife-Area-(Firing-Line-Management--Area--and Controlled-Hunting-Area)~~

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh * @

Braidwood State Fish and Wildlife Area *

Clinton Lake

Heidecke State Fish and Wildlife Area *

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Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Sinnissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Sangchris Lake State Park *

Spring Lake Fish and Wildlife Area *

Starved Rock State Park *

e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

~~Mississippi-River-Pools-21,-22-and-24-@~~

Sanjanois State Fish and Wildlife Area * @

Stephen A. Forbes State Park *

Snake Den Hollow * @

William W. Powers Conservation Area

f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

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g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

(Source: Amended at 22 Ill. Reg. 15981, effective AUG 24 1998)

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1) Heading of the Part: Lead Poisoning Prevention Code

2) Code Citation: 77 Ill. Adm. Code 845

3)

Section Numbers:	Adopted Action:
845.10	Amendment
845.27	New
845.28	Amendment
845.31	Amendment

4) Statutory Authority: The Lead Poisoning Prevention Act [410 ILCS 45]

5) Effective Date of Amendments: August 20, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Date Notice of Proposed Rules was Published in the Illinois Register: 22 Ill. Reg. 2532 - January 20, 1998

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version:

In Section 845.10, the definition of "Risk Assessment" was renamed "Dwelling Risk Assessment".

In Section 845.27, the effective date for the third party examination requirement has been changed from August 1, 1998 to August 31, 1998.

In Section 845.27 and 845.28, the licensure category of "Contractor/Supervisor" was changed to "Supervisor".

In Section 845.27(j)(1)(C), Lead Abatement Contractor certification of financial responsibility requirements have been revised to allow only liability insurance for lead abatement work. The proposed rules allowed self insurance, group insurance, self group insurance, a letter of credit, or a bond in the amount of at least $250,000.

Section 845.27(k)(1), specifying grounds for denial of application or suspension or revocation of a contractor's license for failure to comply with the requirements of the rules has been clarified to include fraud,

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misrepresentation, working without a license, or not adhering to work practice standards.

In Section 845.28(b), (c), (d), and (e) additional training course topics were added.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Agency and the Joint Committee have been made.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking revises the licensing requirements for lead inspectors, risk assessors, workers, contractor/supervisors and contractors. New requirements for licensure include additional educational requirements for risk assessors and a Department-approved third party certification examination that must be taken in addition to the examination administered by the training course provider, within six months after the completion of a training course. Applicants for licensure also must have completed a training course within three years before the date of their application. The rulemaking includes new approval requirements that must be met by training course providers seeking Department approval. This rulemaking is being promulgated in compliance with regulations of the U.S. Environmental Protection Agency at 40 CFR Part 745.

16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER p: HAZARDOUS AND POISONOUS SUBSTANCES

PART 845
LEAD POISONING PREVENTION CODE

Section
845.10 Definitions
845.12 Incorporated Materials
845.15 Lead Screening
845.20 Reporting
845.21 Provision of Data
845.23 Laboratory Fees for Blood Lead Screening
845.25 Case Follow-Up
845.26 Inspection of Dwellings, Residential Buildings or Child Care Facilities
845.27 Requirements for Lead Inspector, Risk Assessor, Worker, Supervisor, and Contractor Licensing
845.28 Approval of Training Program Providers ~~Lead-Inspector,-Risk-Assessor, Worker,-Contractor/Supervisor,-and-Contractor-Licensing~~
845.29 Safety Guidelines for Workers Removing or Covering Leaded Soil
845.30 Mitigation or Abatement of Lead Hazards
845.31 Lead Abatement Contractor Responsibilities
845.32 Lead Contractor/Supervisor Responsibilities
845.33 Dwellings Not Requiring Abatement or Mitigation
845.40 Approval of Units of Local Government or Health Departments as Delegate Agencies to Administer and Enforce the Lead Poisoning Prevention Act
845.50 Permissible Limits of Lead in and about Dwellings, Residential Buildings or Child Care Facilities
845.60 Placarding of Dwellings (Repealed)
APPENDIX A Instructions for Childhood Blood Lead Poisoning Reporting System
EXHIBIT A Instructions for Completing the Laboratory Based Report of Childhood Lead Poisoning
EXHIBIT B Instructions for Submitting Follow-Up Data for Children With Blood Lead Levels $\geq$ 15 mcg/dL
EXHIBIT C Instructions for Reporting Information by Delegate Agencies on Environmental Inspection for Cases of 20 mcg/dl and Above (Repealed)
APPENDIX B Testing for Lead in Paint by Portable X-Ray Fluorescence Lead in Paint Analyzer (XRF) (Repealed)
APPENDIX C Diagrams of Building Components
ILLUSTRATION A Inspection Forms and Diagram of Building Components (Repealed)
APPENDIX D Recommended Setup and Use of a Negative Pressure System
ILLUSTRATION A Examples of Negative Pressure Systems

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APPENDIX E Soil Sampling
APPENDIX F Childhood Lead Risk Assessment Questionnaire
APPENDIX G Information Agreement
APPENDIX H Childhood Lead Poisoning Assessment and Screening Algorithm

AUTHORITY: Authorized by and implementing the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted July 15, 1976; amended at 2 Ill. Reg. 43, effective October 23, 1978; rules repealed; new rules adopted and codified at 6 Ill. Reg. 14849, effective November 24, 1982; amended at 7 Ill. Reg. 7652, effective June 14, 1983; amended at 8 Ill. Reg. 8242, effective May 25, 1984; amended at 10 Ill. Reg. 5138, effective April 1, 1986; amended at 17 Ill. Reg. 1884, effective February 1, 1993; amended at 19 Ill. Reg. 238, effective December 31, 1994; amended at 21 Ill. Reg. 7444, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 14680, effective October 31, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR objection at 22 Ill. Reg. 6252; amended at 22 Ill. Reg. 16000, effective AUG 20 1998.

NOTE: In this Part, superscript numbers or letters are denoted by parenthesis; subscript are denoted by brackets.

Section 845.10 Definitions

"Act" means the Lead Poisoning Prevention Act ~~(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1301 et seq.)~~ [410 ILCS 45].

"Assessment" means administration of the risk assessment questionnaire to the parent.

"Chemical Spot Test" means the use of sodium rhodizonate to obtain a qualitative determination of lead.

"Child" means a person under the age of 16.

"Child Care Facility" means any structure used by a child care provider licensed by the Department of Children and Family Services or public school structure frequented by children under 6 years of age. (Section 2 of the Act)

"Compliance Sampling" means the activity of taking dust wipe samples after completion of mitigation or abatement activities, for the purpose of determining compliance with the Department's standard for lead dust levels or horizontal surfaces of less than 200 micrograms per square foot.

"Confirmed blood lead level" means that an elevated blood lead level is confirmed by a venous blood lead test.

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"Defective Surface" means peeling, flaking, chalking, scaling or chipping paint; paint over crumbling, cracking or falling plaster or plaster with holes in it; paint over a defective or deteriorating substrate; or paint that is damaged or worn down in any manner such that a child can get paint from the damaged area.

"Delegate Agency" means a unit of local government or health department approved by the Department to carry out the provisions of the Lead Poisoning Prevention Act. (Section 2 of the Act)

"Department" means the Department of Public Health of the State of Illinois. (Section 2 of the Act)

"Director" means the Director of the Department of Public Health of the State of Illinois.

"Dwelling" means any structure all or part of which is designed or used for human habitation. (Section 2 of the Act)

"Dwelling Risk Assessment" means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards and the provision of a report, by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Elevated results" means a blood lead test result of 10 micrograms/deciliter or higher.

"Encapsulant" means any liquid applied product which covers, seals, or encapsulates a lead-based painted surface in a manner which is designed to reduce human exposure to lead.

"Exposed Surface" means any interior or exterior surface of a dwelling or residential building. (Section 2 of the Act)

"Health Care Provider" means any person providing health care services to children, who is authorized pursuant to the Clinical Laboratory Act to request the testing of specimens, but does not include dentists. "Health Care Provider" includes podiatrists and physicians other than those licensed to practice medicine in all its branches.

"HEPA Vacuum Equipment" means vacuuming equipment with a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles greater than 0.3 micrometers in mass median aerodynamic equivalent diameter.

"Inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining

the results of the investigations.

"Intact surface" means a surface with no loose, peeling, chipping or flaking paint. Intact surfaces that are painted must be free from crumbling, cracking or falling plaster and should not have any holes. Intact surfaces must not be damaged or worn down in any way that would make paint from the damaged area accessible to children.

"Lead Abatement" means any activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled during such activity.

"Lead Abatement Supervisor ~~Contractor/Supervisor~~" means any person employed by a lead abatement contractor and licensed by the Department to perform lead abatement and mitigation, and supervise lead abatement workers who perform lead abatement and mitigation. ("Lead Abatement Supervisor" was fomerly called "Lead Abatement Contractor/Supervisor".)

"Lead Bearing Substance" means any dust on surfaces or in furniture or other nonpermanent elements of the dwelling and any paint or other surface coating material containing more than five-tenths of one percent (0.5%) lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paint. The term "lead bearing substance" also includes *lead bearing substances containing greater than one milligram per square centimeter or any lower standard for lead content in residential paint as may be established by federal law or regulation; or more than 1 milligram per square centimeter in the dried film of paint or previously applied substance; or object containing lead in excess of the amount specified in* this Part *or a lower standard for lead as may be established by federal regulation.* (Section 2 of the Act)

"Lead Hazard" means a lead bearing substance that poses an immediate health hazard to humans. (Section 2 of the Act)

"Lead Inspector" means an individual who has been trained by a Department approved training program to conduct inspections, sample for the presence of lead in dust and soil, and conduct abatement clearance testing.

"Lead Management Plan" means a written statement that describes how an intact surface with lead-based paint will be monitored to assure that, if the intact surface becomes defective, the defective surface will be abated or mitigated.

"Lead Mitigation" means the remediation of a lead hazard so that the lead bearing substance does not pose an immediate health hazard to humans. A lead hazard is deemed to have been mitigated if the surface that is the source of the lead hazard is no longer in a condition that produces a hazardous level of leaded chips, flakes, dust or any other form of leaded substances, that can be ingested or inhaled by humans; or if the leaded surface is accessible to children, the surface coating is covered or the access to the leaded surface by children is otherwise prevented.

"Lead Poisoning" means the conditions of having blood lead levels in excess of those considered safe under this Part (see "permissible limits") *and federal rules and regulations.* (Section 2 of the Act)

"Lead Risk Assessor" means an individual who has been trained by a Department approved training program to conduct risk assessments, sample for the presence of lead in dust and soil and conduct abatement clearance testing.

"Local Health Department" means the health department or board of health as recognized by the Department which has jurisdiction over the particular geographical area in which the person lives.

"Major Lead Abatement or Mitigation" means any abatement or mitigation activity that will result in the removal of windows, walls, floors, ceilings or exterior surfaces which may result in the creation of a hazardous level of leaded chips, flakes, dust or any other form of leaded substance that can be ingested or inhaled.

"Notice" means any written notification, as specified in this Part, to be issued by the Department or a delegate agency.

"Occupant" means any person who lives in a dwelling as defined in this Part.

"Owner" means any person, who alone, jointly or severally with others:

Has legal title to any dwelling or residential building, with or without accompanying actual possession of the dwelling or residential building, or

Has charge, care or control of the dwelling or residential building as owner or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner. (Section 2 of the Act)

"Permissible limits" for reporting purposes means a confirmed blood lead level (PbB) of less than 10 micrograms/deciliter (mcg/dL) of

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whole blood in a child under age 16 years, less than 10 mcg/dL for a pregnant or breast-feeding woman and less than 25 mcg/dL for all other persons.

"Person" means any one or more natural persons, legal entities, governmental bodies, or any combination.

"Residential Building" means any room, group of rooms, or other interior areas of a structure designed or used for human habitation; common areas accessible by inhabitants; and the surrounding property or structures. (Section 2 of the Act)

~~"Risk-Assessment"-means-an--on-site--investigation--to--determine--the existence,--nature,-severity,-and-location-of-lead-based-paint-hazards and-the--provision--of--a--report,--by--the--individual--or--the--firm conducting---the--risk--assessment,--explaining--the--results--of--the investigation-and-options-for-reducing-lead-based-paint-hazards.~~

"Screening" means a blood lead testing by venous or capillary methodology.

"STELLAR" means the Systematic Tracking of Elevated Lead Levels and Remediation software developed and provided by the Centers for Disease Control and Prevention for local agencies to use in tracking lead poisoning cases.

"Third Party Exam" means that, in addition to training requirements and education and experience requirements, individuals seeking to become licensed as inspectors, Risk Assessors and Supervisors are required to pass a third party exam, administred by the Department or its designee, in addition to the training course examination.

"Training Hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience.

"Work Area" means exterior areas where lead abatement activities are conducted.

"Work Site" means the room or rooms undergoing lead abatement activities in a single family dwelling or the room or rooms and common area of a residential building.

(Source: Amended at 22 Ill. Reg. 16000, effective AUG 20 1998)

Section 845.27 Requirements for Lead Inspector, Risk Assessor, Worker, Supervisor, and Contractor Licensing

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a) To qualify for a license as a Lead Inspector, Risk Assessor, Worker, or Supervisor, an applicant shall:
   1) be at least 18 years of age;
   2) complete the Department-approved initial training course for the discipline for which licensure is sought and pass the examination administered at the conclusion of the course. The course must have been taken within three years before date the Department received the application;
   3) after August 31, 1998, an applicant for Lead Inspector, Risk Assessor or Supervisor shall pass the Department-approved third party certification examination, within six months after the date on the course completion certificate, to be eligible for licensure in the disciplines of Lead Inspector, Risk Assessor or Supervisor. An applicant may take the third party examination, a maximum of three times. A $50 fee shall be assessed for each separate discipline examination, each time taken. Upon the applicant's successful completion of the third party examination, the Department shall issue the applicant a license in the appropriate discipline as specified in subsection (i) of this Section;
   4) submit a recent 1" x 1" photograph of the applicant for proper identification of the licensee. The license shall not be issued without an identification photograph;
   5) submit the appropriate completed application form provided by the Department;
   6) submit the required license application fee. Employees of the Illinois Department of Public Health, a delegate agency, or a local health department shall be exempt from licensure and third party examination fees when such employees' licenses are used only for purposes related to employment at the above-mentioned agencies.

b) Reciprocity. Each applicant for licensure who is licensed or certified in any of the disciplines specified in this Section in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are as protective of health and the environment as the requirements for licensure in Illinois. Each applicant for licensure pursuant to this Section shall submit the appropriate application accompanied by the fee for each discipline as specified in subsection (e), (f), (g), (h) or (i) of this Section.

c) Expiration Date. Lead Inspector and Risk Assessor licenses expire January 31 each year, except that a first-time license issued after October 31 and before February 1 shall expire the following January 31. Lead Worker and Lead Supervisor licenses expire March 31 of each year, except that a first-time license issued after December 31 and before April 1 shall expire the following March 31. Contractor licenses expire May 31 of each year.

d) Renewal of License. Any license issued pursuant to this Part may be renewed if the licensee submits the completed application, nonrefundable fee, 1" x 1" photo and a certificate of completion from a Department-approved one day (8 hour) refresher course. The course must have been taken within three years before the date the Department received the renewal application. If a renewal application is received after January 1 for a Lead Inspector or Risk Assessor license or after March 1 for a Lead Worker or a Supervisor license, the applicant shall pay a nonrefundable late fee of $15 in addition to the renewal fee. An applicant whose license has been expired for a period less than three years may apply to the Department for reinstatement of his license. The Department shall issue such reinstated license provided the applicant pays to the Department all lapsed license fees and a reinstatement fee of $15. A license which has been expired for more than three years may be restored only by submitting a new application with a current certificate of completion from a Department-approved initial training course that has been completed within the last three years.

e) Risk Assessor License Requirements. To qualify for licensure as a Risk Assessor, a person shall:

1) Submit a $100 non-refundable application fee. After August 31, 1998, an additional $50 fee will be required for the third party examination specified in subsection (i) of this Section.

2) Prior to April 1, 1998, to qualify for a Risk Assessor license, a person shall:

A) comply with subsections (a)(1) through (6) and (e)(1) of this Section, and

B) submit an initial Lead Inspector certificate and initial Risk Assessor certificate or submit an initial Risk Assessor certificate and be a currently Illinois licensed Lead Inspector.

3) After March 31, 1998, to qualify for licensure as a Risk Assessor, a person shall:

A) comply with subsections (a)(1) through (6) and (e)(1) of this Section, and

B) submit an initial Lead Inspector certificate and an initial Risk Assessor certificate or submit an initial Risk Assessor certificate, be a currently licensed Lead Inspector, and possess, at a minimum, one of the following combinations of education and experience:

i) A bachelor's degree in science, engineering, or environmental health; or

ii) A bachelor's degree in any discipline and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

iii) An associate's degree in any discipline and two years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or

construction); or

iv) Be licensed as an industrial hygienist, professional engineer, architect or environmental health practitioner; or

v) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction).

f) Lead Inspector License Requirements. To qualify for licensure as a Lead Inspector, a person shall:

1) submit a $100 non-refundable application fee. After August 31, 1998 an additional $50 fee will be required for the third party examination specified in subsection (i) of this Section.

2) submit a certificate from an initial three-day, Department-approved lead inspector training course, which must have been taken within three years before the date the Department received the application.

g) Lead Worker License Requirements. To qualify for a license as a Lead Worker, a person shall:

1) submit a $25 non-refundable application fee.

2) submit a certificate from a Department-approved initial Lead Worker course that must have been taken within three years before the date the Department received the application.

h) Supervisor License Requirements. To qualify for licensure as a Supervisor, a person shall:

1) submit a $50 non-refundable application fee. After August 31, 1998, submit an additional $50 fee for the third party examination specified in subsection (i) of this Section.

2) submit a certificate from an initial Department-approved Supervisor course that must have been completed within three years before the date the Department received the application.

3) after March 31, 1998, an applicant for a Supervisor license must also meet experience requirements as follows:

A) One year of experience as a certified lead-based paint abatement worker; or

B) Two years of experience in a related field (e.g., lead, asbestos, or environmental remediation work) or in the building trades.

i) After August 31, 1998, applicants for Lead Inspector, Risk Assessor and Supervisor licenses are required to take a third party examination.

1) To qualify to take the third party examination an applicant shall:

A) Comply with the requirements of subsections (a)(1), (2), (4), (5), and (6) of this Section for the appropriate discipline,

B) Submit a completed third party examination application form provided by the Department,

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C) submit a $50 non-refundable third party examination application fee for each separate discipline examination.

2) The Department shall provide, by mail, the following to applicants who qualify to take the third party examination:

A) date, time, and location for the applicant to take the third party examination; and

B) a detailed information packet, instructions for registration at the examination site, and directions to the facility where the examination is being administered.

3) When an applicant receives a passing score on the third party examination, the Department shall issue the license to the applicant in the discipline for which the applicant qualifies.

4) If the applicant does not pass the third party examination, the Department will notify the applicant, who may reapply to the Department to take the third party examination again. An applicant may take the third party examination no more than three times within six months after receiving a course completion certificate. If an applicant does not pass the third party examination within six months after receiving a course completion certificate, the applicant must retake the initial training course from an approved training course provider before reapplying for licensure and approval to take the third party examination.

j) Lead Abatement Contractor License Requirements.

1) To qualify for licensure as a Lead Abatement Contractor, a person shall:

A) submit a completed application on a form provided by the Department;

B) submit a $500 non-refundable licensure fee or, for applications received on or after December 1, a $250 non-refundable licensure fee for a six month license;

C) submit a certificate of financial responsibility documenting that the contractor carries liability insurance for work performed pursuant to the Lead Poisoning Prevention Act and this Part. The contractor shall notify the Department of any changes in the status of the certificate of financial responsibility, including expiration, renewal or alteration of the terms of the certificate. The certificate of financial responsibility shall be an original and shall expressly provide coverage for lead abatement. A photocopy or facsimile copy is not acceptable. The certificate shall be issued by an insurance company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times;

D) submit the name of the person with a valid Illinois Contractor/Supervisor's license. Such license must be held by either the Contractor or an employee of the Contractor;

E) submit a written statement signed by the Contractor

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specifying that only Lead Workers licensed by the Department will be employed for lead abatement;

F) submit a copy of the Contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in OSHA regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);

G) submit a description of all legal proceedings, lawsuits or claims which have been filed or levied against the Contractor or any of his/her past or present employees or companies in regard to construction-related activities. If there are no claims as specified in this subsection (j)(1)(G) against the Contractor then a signed statement to that effect shall be submitted to the Department.

2) Reciprocity. An applicant for a Contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license, if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in Illinois. Each applicant for licensure pursuant to this subsection (j)(2) shall submit a one time non-refundable application fee of $250 and an additional $500 non-refundable license fee if qualified for licensure.

3) Renewal of License. All Contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 30, the applicant shall pay a non-refundable late fee of $100, in addition to the $500 non-refundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all the lapsed license fees and a reinstatement fee of $100. A license which has expired for more than three years is not eligible for renewal. In such instances, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (j)(1)(A) through (G) of this Section.

k) Denial of Application, and Suspension or Revocation of License.

1) The Director of Public Health, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a Lead Abatement Contractor, Supervisor, Worker, Lead Risk Assessor, or Inspector in any case in which the Director of Public Health finds substantial or continued failure to comply with the requirements of this Part, including fraud, misrepresentation, working without a license, or not adhering to work practice standards.

2) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the

proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.

(Source: Added at 22 Ill. Reg. 16000, effective AUG 20 1998)

Section 845.28 Approval of Training Program Providers ~~Lead--Inspector,--Risk Assessor,-Worker,-Contractor/Supervisor,-and-Contractor-Licensing~~

a) Requirements for Approval of All Training Programs.

1) To be approved as a training provider, a person shall submit to the Department information to confirm that the program provides:

A) Adequate facilities for classroom and field hands-on training;

B) A final examination for initial and refresher courses with criteria for pass/fail (at least 70% correct to pass);

C) An example of the certificate of course completion with name/address/phone number of the training course provider and student information (name, dates of course, and identification of pass/fail) which is submitted to the Department for each student after course completion;

D) Student and instructor manuals and a course agenda;

E) A class schedule, which shall be submitted to the Department prior to the start of each course.

2) The training program shall employ a training manager who:

A) Has:

i) At least two years of experience, education, or training in teaching workers or adults; or

ii) A bachelor's degree or higher degree in building construction technology, engineering, industrial hygiene, safety, public health, education, business administration or program management or a related field; or

B) Has two years of experience in managing a training program specializing in environmental hazards; and has demonstrated experience, education, or training in the construction industry including lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

3) The training manager shall designate, for each course, a qualified principal instructor who has:

A) Demonstrated experience, education, or training in teaching workers or adults;

B) Successfully completed at least 16 hours of any Department-approved lead-specific training; and

C) Demonstrated experience, education, or training in lead or asbestos abatement, painting, carpentry, renovation, remodeling, occupational safety and health, or industrial hygiene.

4) The principal instructor shall be responsible for the organization of the course and oversight of the teaching of all course material. The training manager may designate guest instructors as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course.

5) The training manager is responsible for maintaining training program records and making such records available to the Department as specified in this subsection (a)(5):

A) Training program records shall be made available to the Department for review as follows:

i) The training program shall retain records at the address specified on the training program approval application (or as modified) for a minimum of 3 1/2 years.

ii) The training program shall notify the Department in writing within 30 days after changing the address specified on its training program approval application or transferring records from that address to a new address.

iii) The Department shall have the authority to enter, inspect and audit training facilities to determine compliance with the Act and this Part.

B) Training records that shall be maintained by the training course provider include, but are not limited to, the following:

i) All documents that demonstrate the qualifications of the training manager and principal instructors, as specified in subsection (a)(2) of this Section.

ii) Current curriculum/course materials and documents reflecting any changes made to these materials.

iii) The course examination blueprint.

iv) Information regarding the conduct of the hands-on skill assessment, including, but not limited to, the name of the instructor who conducts the assessment, how the skills are graded, what facilities are used for the hands-on assessment, the pass/fail rate, and the quality control plan.

v) Results of the students' hands-on skills assessments and course examinations, and a record of each student's course completion certificate.

vi) Any other materials specified in this Section that have been submitted to the Department as part of the program's application approval.

b) Requirements for Approval of Lead Inspector Training Programs. To

obtain approval for a Lead Inspector training program, a person shall submit information to confirm that the program provides:

1) at least a three day course (equivalent to 24 hours of instruction), two days of which are dedicated to the topics specified in this subsection (b)(1), and 8 hours of hands-on instruction. Requirements ending in an asterisk (*) indicate areas that require hands-on activities:
   A) Role and responsibilities of a Lead Inspector;
   B) Background information on lead and the adverse health effects of lead exposure;
   C) Background information on federal, State, and local regulations and guidance pertaining to lead-based paint and lead-based paint activities;
   D) Lead-based paint inspection methods, including selection of rooms and components for sampling or testing;*
   E) Paint, dust and soil sampling methodologies;*
   F) Clearance standards and testing, including random sampling;*
   G) Preparation of the final inspection report;* and
   H) Record keeping.
2) The one day (8 hour) Lead Inspector refresher course content shall be the same as the course content specified in subsections (b)(1)(A) through (G) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

c) Requirements for Approval of Risk Assessor Training Programs. To obtain approval for a Risk Assessor training program, a person shall submit information to confirm that the program provides:

1) At least a two day course (equivalent to 16 hours of instruction), with a minimum of 4 hours of hands-on instruction provided. Requirements ending in an asterisk (*) indicate areas that require hands-on activities:
   A) Assurance to the Department that a Lead Inspector training course certificate of completion is required of each applicant as a prerequisite for Risk Assessor training course attendance;
   B) Role and responsibilities of the Risk Assessor;
   C) Collection of background information to perform a dwelling risk assessment;
   D) Sources of environmental lead contamination (paint, surface dust and soil, water, air, packaging, and food);
   E) Visual inspection procedures for the purpose of identifying potential sources of lead-based paint hazards*;
   F) Lead hazard screening protocol;
   G) Sampling for sources of lead exposure*;
   H) Interpretation of lead-based paint and other lead sampling results, including all applicable State and federal guidance pertaining to lead-based paint hazards (i.e., federal statutes and regulations)*;

   I) Development of hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards; and
   J) Preparation of a final risk assessment report.
2) The one day (8 hour) lead Risk Assessor refresher course content shall be the same as the course content specified in subsections (c)(1)(B) through (J) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

d) Requirements for Approval of Lead Worker Training Programs. In order to obtain approval for a Lead Worker training program, a person shall submit information to confirm that the program provides:

1) At least a three-day course (equivalent to 24 hours) of instruction with a minimum of one day (8 hours) of hands-on training. Requirements ending in an asterisk (*) indicate hands-on activities:
   A) Role and responsibilities of a lead abatement worker;
   B) Background information on lead and the adverse health effects of lead exposure;
   C) Background information on federal, State and local regulations;
   D) Lead-based paint hazard recognition and control*;
   E) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices*;
   F) Interior dust abatement methods/cleanup or lead-based paint hazard reduction*; and
   G) Soil and exterior dust abatement methods or lead-based paint hazard reduction*.
2) The one day (8 hour) Lead Worker refresher course content shall be the same as the course content specified in subsections (d)(1)(A) through (K) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

e) Requirements for Approval of Supervisor Training Programs. To obtain approval for a Supervisor training program, a person shall submit information to confirm that the program provides:

1) Prior to April 1, 1998, in addition to the three-day course in subsections (d)(1)(A) through (K) of this Section, a lead Supervisor shall complete a lead Supervisor supplemental course that shall consist of an additional eight hours (one day) of training, and shall pass the examination administered at the end of the course. The supplemental training course for lead Supervisors shall be dedicated to the following topics:
   A) Lead inspection;
   B) Supervisory techniques;
   C) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993); and
   D) Department of Housing and Urban Development (HUD) Guidelines

for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995).

2) After March 31, 1998, the Supervisor course shall be at least a minimum of 32 training hours, with a minimum of 8 hours devoted to hands-on activities. Requirements ending in an asterisk (*) indicate areas that require hands-on activities as an integral part of the course:

A) Role and responsibilities of a supervisor;

B) Background information on lead and its adverse health effects;

C) Background information on federal, State, and local regulations and guidance that pertain to lead-based abatement;

D) Liability and insurance issues relating to lead-based abatement;

E) Risk assessment and inspection report interpretation*;

F) Development and implementation of an occupant protection plan and abatement report;

G) Lead-Based paint hazard recognition and control*;

H) Lead-Based paint abatement and lead-based paint hazard reduction methods, including restricted practices*;

I) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods*;

J) Soil and exterior dust abatement or lead-based paint hazard, control and reduction methods, including large scale abatement projects*;

K) Clearance standards and testing;

L) Cleanup and waste disposal;

M) Recordkeeping; and

N) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large scale abatement projects.

3) The one day (8 hour) lead Supervisor refresher course content shall be the same as the course content specified in subsections (e)(2)(A) through (M) of this Section, and any current safety practices, new laws and regulations, and current technologies relating to lead-based paint activities.

f) Application Fees for Approval and Renewal of Lead Training Courses.

1) All lead training course approvals expire on October 15.

2) All initial lead training course approval application fees shall be $200 per discipline and all lead refresher training course approval application fees shall be $100 per discipline.

3) Applications for renewal of all lead training course approvals must be received by September 15 of each year. If the renewal application is received after September 15, a $50 late fee shall be charged per course.

4) Application fees for all lead training courses, effective October 15, 1998, will be as follows, except that fees will be waived for

all State, local, and not-for-profit training providers.

A) Initial training course for all disciplines, $500 per course;

B) Refresher training course for all disciplines, $250 per course; and

C) Late fees for all disciplines, $50 per course.

g) Suspension, Revocation, or Denial of Training Courses. The Department may suspend, revoke or deny approval of any lead training course for any of the following reasons:

1) Misrepresentation of the contents of a training course to the Department and/or the student population;

2) Failure to submit required information or notifications;

3) Failure to maintain required records;

4) Falsified records, instructor qualifications, or other related information or documentation;

5) Failure to comply with the training standards and requirements in this Section; or

6) Failure to comply with federal, State, or local lead-based paint statutes or regulations.

~~a) A person shall be licensed by the Department prior to engaging in lead inspection and compliance sampling activities. After October 31, 1997, a person shall be licensed by the Department, in accordance with subsection (g) of this Section, prior to engaging in risk assessor activities. The Department shall issue a lead inspector's license to qualified applicants. In order to qualify, an applicant shall:~~

~~1) be at least 18 years of age;~~

~~2) attend a Department approved course, in accordance with subsection (f) of this Section, and pass the examination administered at the conclusion of the course;~~

~~3) submit a recent 1" x 1" photograph of applicant for proper identification of the licensee. The license shall not be issued without an identification photograph;~~

~~4) attend a three day Department approved course, in accordance with subsection (f)(2) of this Section; and~~

~~5) submit to the Department the required fee.~~

~~b) Application. Each person desiring licensure as a lead inspector or risk assessor shall make application to the Department on forms provided by the Department. Each application shall be accompanied by a $100 nonrefundable fee, and a certificate verifying satisfactory completion of a Department approved lead inspector training course within one year prior to application for a lead inspector license. In addition to the application requirements for a lead inspector's license, an application for the risk assessor's license shall include a $100 non refundable fee and a certificate verifying satisfactory completion of a Department approved risk assessor training course within one year prior to application. Employees of the Illinois Department of Public Health, a delegate agency, or a local health~~

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department shall be exempt from licensure fees when such employees' licenses are used only for purposes related to employment at the above-mentioned agencies.

e) Reciprocity. Each applicant for licensure who is licensed or certified as a lead inspector or risk assessor in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in Illinois. Each applicant for licensure pursuant to this Section shall submit an application accompanied by a nonrefundable fee of $100.

d) All licenses shall be renewed annually. All licenses shall expire on January 31 of each year, except licenses issued after October 31 and before February 1 shall expire on the next following January 31. The licensee shall be charged a nonrefundable fee of $15 for the issuance of a duplicate license.

e) Renewal of License. Any license issued pursuant to these rules may be renewed if the licensee submits the application and a $100 nonrefundable fee as required by subsection (a)(5) of this Section and has a certificate of completion of a Department approved one day (8 hour) lead inspector or risk assessor refresher course. The refresher course content shall be the same as that indicated in subsection (f) of this Section for the inspector's license, or subsection (j) of this Section for the risk assessor's license. If a renewal application is received after January 1, the applicant shall pay a nonrefundable late fee of $15 in addition to the renewal fee of $100. An applicant whose licenses has been expired for a period less than 2 years may apply to the Department for reinstatement of his license. The Department shall issue such renewed license provided the applicant pays to the Department all lapsed license fees, plus a reinstatement fee of $15. A license which has been expired for more than 2 years may be restored only by submitting a new application as specified in subsection (b) of this Section and successfully passing an approved lead inspector training course for a lead inspector's license and the additional risk assessor training course for a risk assessor's license.

f) Approved Course Content. All lead inspectors and risk assessors shall have taken a qualifying training course which meets the requirements set out in this subsection and shall have received a certificate of completion. A training course in lead inspection shall:

1) Receive approval from the Department; and

2) Provide at least a three day course (equivalent to 24 hours of instruction) for individuals without experience as required in this Section, two days of which are dedicated to the topics specified in subsections (f)(2)(C), (E) and (F) of this Section:

A) health effects of lead exposure;

B) requirements of regulations and standards established by the Department;

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C) lead sampling techniques;

D) chemistry related to the lead abatement industry;

E) construction techniques;

F) inspection and clearance sampling techniques; and

G) safety.

g) The Department shall issue a risk assessor's license to qualified applicants. In order to qualify, an applicant shall:

1) Comply with the requirements for the lead inspector's license specified in subsections (a)(1) through (5) of this Section. The Department may approve a third party examination (e.g., an examination required by federal law under 40 CFR 745) for any license required by Section 845.20 for lead abatement or mitigation services.

2) Attend a two-day Department approved risk assessor training course that covers the curriculum specified in subsection (i) of this Section;

3) Possess, at a minimum, one of the following combinations of education and experience:

A) A bachelor's degree and one year of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

B) An Associate's degree and 2 years of experience in a related field (e.g., lead, asbestos, environmental remediation work, or construction); or

C) Certification as an industrial hygienist, professional engineer, registered architect or certification in a related engineering/health/environmental field (e.g., safety professional, environmental scientist); or

D) A high school diploma (or equivalent), and at least three years of experience in a related field (e.g., lead, asbestos, or environmental remediation work).

h) A training course in lead risk assessment shall receive approval from the Department when the following criteria have been met:

1) A training manager who is responsible for compliance with all requirements in this Section has been designated;

2) A principal instructor has been designated;

3) The responsibilities of the training manager and principal instructor are described;

4) Documentation of the qualifications of the training manager and principal instructor is provided;

5) Adequate facilities for classroom and field hands on training are specified;

6) A minimum of 16 hours, in not less than two days, with a minimum of 4 hours of hands on instruction are provided;

7) A final exam with criteria for pass/fail is administered;

8) A model of the certificate of course completion with name/address/phone number of the training course provider and student information (name, social security number, dates of

course;--and--indication--of--pass/fail)--is--submitted--to---the Department-for-each-student-after-course-completion;

9) A-quality-control-plan-to-improve-the-course-is-provided;

10) Copies--of--student--and-instructor-manuals-and-course-agenda-are included;

11) A-class-schedule-is-included;

12) Assurance-to-the-Department-that-a-lead-inspector-training-course certificate-of-completion-is-required--of--each--applicant--as--a prerequisite-for-risk-assessor-training-course-attendance;

13) The--required--application--fee-as-specified-in-subsection-(i)-of this-Section-has-been-received-by-the-Department.

i) The-curriculum-for-the-risk-assessor-training-course-shall-include-the following:

1) Role-and-responsibilities-of-the-risk-assessor;

2) Collection--of--background--information---to---perform---a---risk assessment;

3) Sources--of--environmental-lead-contamination-(paint-surface-dust and-soil;-water;-air;-packaging;-and-food);

4) Visual-inspection--procedures--for--the--purpose--of--identifying potential-sources-of-lead-based-paint-hazards;

5) Lead-hazard-screening-protocol;

6) Sampling-for-sources-of-lead-exposure;

7) Interpretation--of--lead-based--paint--and--other--lead--sampling results;--including--all--applicable--State--and-federal-guidance pertaining-to-lead-based-paint-hazards--(i.e.;--federal--statutes and-regulations);

8) Development--of--hazard--control--options;--the--role--of-interim controls;-and-operations-and--maintenance--activities--to--reduce lead-based-paint-hazards;-and

9) Preparation-of-a-final-risk-assessment-report.

j) A--refresher-training-course-in-risk-assessment-shall-receive-approval from-the-Department-when-the-following-criteria-has-been-met:

1) Cover-the-same-topics-as-the--full--length--course--specified--in subsection--(i)--of--this-Section;-plus-current-safety-practices; current-laws-and-regulations;-and-current-technologies;

2) Be-at-least-8-hours-long;

3) Provide-a-hands-on-assessment-and-a-course-test;

4) Apply-concurrently-for-approval-with-the-initial--lead--inspector course;-or

5) Submit--the--information--contained--in-subsection-(h)(1)-through (10)-except-(6)-of-this-Section-in-a-written-application--to--the Department.

k) Suspension;-revocation;-or-denial-of-training-courses.--The-Department may--suspend;--revoke-or-deny-approval-of-any-lead-training-course-for the-following-reasons:

1) Misrepresentation-of-the-contents-of-a--training--course--to--the Department-and/or-the-student-population;

2) Failure--to--submit--required--information--or-notifications-in-a

timely-manner;

3) Failure-to-maintain-required-records;

4) Falsified-records;-instructor-qualifications;--or--other--related information-or-documentation;

5) Failure-to-comply-with-the-training-standards-and-requirements-in this-Section;

6) Failure--to-comply-with-federal;-State;-or-local-lead-based-paint statutes-or-regulations.

l) Application-fees-for-approval-and-renewal-of-lead-training-courses:

1) All-current-Department-approved-lead-training-courses-will-expire on-October-15;-1997.

2) After--October--15;--1997;--all--initial--lead--training---course application--fees--will--be--$200--per--discipline--and--all-lead refresher-training-course--application--fees--will--be--$100--per discipline.

3) Approvals-for-lead-training-courses-shall-be-issued-for-one-year. Applications--for--renewal--of--all-lead-training-courses-must-be received;-with-fees;-by--September--15--of--each--year.---If--the renewal--application--is--received-after-September-15;-a-$50-late fee-shall-be-charged-for-each-late-training-course-application.

4) Application-fees-for-all-lead-training-courses;-effective-October 15;--1998;-will-be:

A) Initial--training--course--for--all--disciplines;--$500--per course;

B) Refresher-training-course--for--all--disciplines;--$250--per course;

C) Late-fees-for-all-disciplines;-$50-per-course.

m) Lead--Worker--and--Contractor/Supervisor--Licensing.--A-lead-worker-or lead-contractor/supervisor-shall-be-licensed-by-the--Department--prior to-engaging-in-lead-abatement-or-mitigation-activities.--Such-licenses are--nontransferable--and--shall--be--available--at-the-lead-abatement contractor's--primary--place--of--business--for--inspection---by---the Department-or-delegate-agency.

n) The---Department---shall---issue---a---lead--Worker--license--or--lead Contractor/Supervisor-license-to-qualified-applicants-who-comply--with the--requirements-of-subsections-(a)(1);-(3);-and-(5)-of-this-Section. In-addition;-applicants-shall-attend-a-Department-approved-course;--in accordance--with-subsections-(s)(2)(A)-through-(R)-of-this-Section-for lead-workers-and-subsections--(s)(2)--and--(3)--of--this--Section--for contractors/supervisors--and--shall-pass-the-examinations-administered at-the-conclusion-of-the-course.

o) Application.--Each-person-desiring-licensure-as-a-lead-worker-or--lead contractor/supervisor--shall--make--application--to--the-Department-on forms-or-in-a-format-provided-by--the--Department.---Each--application shall--be--accompanied-by-a-nonrefundable-fee-of-$25-for-a-lead-Worker license-or--$50--for--a--lead--Contractor/Supervisor--license;--and--a certificate--verifying--completion--of--a--Department-approved-course; within-one-year-prior-to--application;--except--as--provided--in--this

subsection. Employees of the Department, a delegate agency, or a local health department shall be exempt from licensure fees when such employee's license is used only for purposes related to employment at the above-mentioned agencies. A course taken after 1991 may qualify an applicant for licensure, provided the course is determined by the Department to be substantively equivalent to the requirements for approved course content specified in subsection (s) of this Section. Only Department-approved training courses will be accepted for application for licensure.

p) Reciprocity. Each applicant for licensure who is licensed or certified as a lead worker or lead contractor/supervisor in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license if the Department determines that the requirements for licensure in such other state are equal to or greater than the requirements for licensure in Illinois. Each applicant for licensure pursuant to this subsection shall submit an application, on forms or in a format provided by the Department, accompanied by a nonrefundable fee of $25 for a Lead Worker License and $50 for a Lead Supervisor/Contractor License.

q) Renewal of License. All Lead Worker and Lead Contractor/Supervisor licenses shall be renewed annually. All licenses shall expire on March 31 of each year, except licenses issued after December 31 and before April 1 shall expire on the next following March 31. Any current license issued pursuant to this Section may be renewed if the licensee submits, prior to March 1, a renewal application on forms or in a format provided by the Department, a nonrefundable fee of $25 for a Lead Worker license or $50 for a Lead Contractor/Supervisor license and a certificate verifying completion within one year prior to application for renewal of a Department approved one day (8 hour) lead worker or lead contractor/supervisor refresher course. The refresher course content shall be the same as that indicated in subsection (s)(2) of this Section for a Lead Worker License or subsections (s)(2) and (3) of this Section for a Lead Contractor/Supervisor License. If a renewal application is received after March 1, the applicant shall pay a nonrefundable late fee of $15, in addition to the license renewal fee. An applicant whose license has been expired for a period of two years or less may apply to the Department for reinstatement of his license. The license shall be reinstated if the applicant submits to the Department a certificate verifying completion of the required type and number of refresher courses for the license category, all lapsed license fees, and a nonrefundable reinstatement fee of $15. A license that has been expired for more than two years is not eligible for renewal. In such instances, the formerly licensed individual desiring to become licensed again shall follow the application procedures specified in subsection (n) of this Section.

r) Duplicate License. A duplicate license shall be issued to a currently licensed lead worker, contractor/supervisor, or contractor upon submittal of a $15 nonrefundable duplicate license fee.

s) Approved Course Content. All lead workers or lead contractor/supervisors shall have taken a Department approved training course which meets the requirements set out in this subsection and shall have received a certificate of completion upon passing the examination administered at the conclusion of the course. A training course for lead workers and lead contractor/supervisors shall:

1) Receive approval from the Department; and

2) Provide at least a minimum three day course (equivalent to 24 hours) for the instruction of individuals who desire to be licensed as lead workers and a four day course (equivalent to 32 hours) for individuals who desire to become licensed as lead contractor/supervisors. The three day course shall be dedicated to the following topics:

A) History of Lead;

B) Health Effects of Lead Exposure;

C) Medical Surveillance of Lead Poisoned Individuals;

D) Legal Rights and Responsibilities;

E) Personal Protective Equipment;

F) Safety Problems;

G) Abatement Methods and Work Problems;

H) Decontamination;

I) Clean up and Disposal Procedures;

J) Lead Monitoring and Tests; and

K) Hazard Communication.

3) In addition to subsections (s)(2)(A) through (K) of this Section, a lead contractor/supervisor shall complete a lead contractor/supervisor supplemental course, which shall consist of an additional eight hours (one day) of training, and shall pass the examination administered at the conclusion of the course. The supplemental training course for lead contractor/supervisors shall be dedicated to the following topics:

A) Lead Inspection;

B) Supervisory Techniques;

C) Occupational Safety and Health Administration (OSHA) Lead Standard 1910.1025 and 29 CFR 1926.62 (1993);

D) Department of Housing and Urban Development (HUD) Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing (June 1995).

t) The Department shall prepare and maintain a list of licensed lead abatement contractors.

1) Requirements of Licensure. An applicant for a lead abatement contractor license shall submit the following to the Department:

A) an application on a form or in a format provided by the Department;

B) a $500 nonrefundable licensure fee or, for applications received on or after December 1, a $250 nonrefundable

~~licensure fee;~~

~~C) a certificate of financial responsibility documenting that the contractor carries liability insurance, self-insurance, group insurance, group self-insurance, a letter of credit, or a bond in the amount of at least $250,000 for work performed pursuant to the Lead Poisoning Prevention Act and Lead Poisoning Prevention Code. The contractor shall notify the Department of any changes in the status of the certificate of financial responsibility, including expiration, renewal or alteration of the terms of the certificate. The certificate of financial responsibility shall be an original and shall expressly provide coverage for lead abatement. A photocopy or facsimile copy is not acceptable. The certificate shall be issued by an insurance company that is authorized to transact business in Illinois. A current certificate of insurance shall be on file with the Department at all times;~~

~~D) a copy of a valid Contractor/Supervisor's license issued to either the contractor or the contractor/supervisor employed by the contractor;~~

~~E) a written statement signed by the contractor specifying that only lead workers licensed by the Department will be employed for lead abatement;~~

~~F) a copy of the contractor's written standard operating procedures and employee protection plan, which shall include specific references to medical monitoring and respirator training programs required in OSHA regulations at 29 CFR 1910.1001 and 29 CFR 1926.62 (1993);~~

~~G) a description of all legal proceedings, lawsuits or claims which have been filed or levied against the contractor or any of his past or present employees or companies in regard to construction related activities.~~

~~2) Reciprocity. An applicant for a contractor's license who is licensed or certified for lead contracting in another state may request reciprocal licensure. The Department shall evaluate the requirements for licensure in such other state and shall issue the license, if the Department determines that the requirements for licensure in such other state are equal to the requirements for licensure in this State. Each applicant for licensure pursuant to this subsection shall submit a one time application fee of $250 nonrefundable and an additional $500 nonrefundable license fee if qualified for licensure.~~

~~3) Renewal of license. All contractor licenses shall be renewed annually. All licenses shall expire on May 31 of each year. If a renewal application is received after April 30, the applicant shall pay a nonrefundable late fee of $100, in addition to the $500 nonrefundable renewal fee. An applicant whose license has expired for a period of three years or less may apply to the Department for reinstatement of the license. The license shall be reinstated if the applicant submits to the Department all lapsed license fees and a reinstatement fee of $100. A license which has expired for more than three years is not eligible for renewal. In such instances, the formerly licensed individual desiring to be licensed shall follow the application procedures specified in subsection (t)(1) of this Section.~~

~~u) Denial of application, and suspension or revocation of license.~~

~~1) The Director, after notice and opportunity for hearing, may deny the application for, or suspend or revoke the license of, a lead abatement contractor, contractor/supervisor, worker, lead assessor, or inspector in any case in which the Director finds substantial or continued failure to comply with this Part.~~

~~2) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the applicant or licensee with an opportunity to request a hearing. If a written hearing request is not received within 15 days after receipt of the notice by the applicant or licensee, the right to a hearing is waived.~~

(Source: Amended at 22 Ill. Reg. 16000, effective AUG 20 1998)

Section 845.31 Lead Abatement Contractor Responsibilities

Licensed abatement contractors shall:

a) Be fully knowledgeable of general renovation techniques, including lead-based paint (LBP) abatement;

b) Train (or arrange for training of) workers and supervisors on engineering controls and good work practices relating to abatement and on ~~impressing upon them~~ the importance of adherence to these controls and practices;

c) Assure the safety of workers and prepare a ~~preparing the~~ worker protection plan; and

d) Assure that all work is conducted in accordance with the Act and this Part; and~~.~~

e) Notify the Department at least 10 working days or 14 calendar days prior to commencement of any lead abatement or mitigation projects. Notification shall be on a form provided by the Department or shall contain the same information required on the Department's form as follows:

1) Contractor's name and license number;

2) Date of project start time and end time;

3) Location of project;

4) Name, address, and phone number of owner of property being abated or mitigated.

(Source: Amended at 22 Ill. Reg. 16000, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

AUG 20 1998)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Standards for Approval of Milk Laboratories

2) Code Citation:

77 Ill. Adm. Code 463

3)

Section Numbers:	Adopted Action:
463.101	Repealer
463.201	Repealer
463.301	Repealer
463.302	Repealer
463.401	Repealer
463.402	Repealer
463.403	Repealer
463.404	Repealer
463.405	Repealer
463.406	Repealer
463.407	Repealer
463.408	Repealer
463.409	Repealer
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463.413	Repealer
463.414	Repealer
463.415	Repealer
463.416	Repealer
463.501	Repealer
463.502	Repealer
463.503	Repealer
463.504	Repealer
463.601	Repealer
463.701	Repealer
463.801	Repealer
463.901	Repealer
463.902	Repealer
463.903	Repealer
463.1001	Repealer
463.1002	Repealer
463.1101	Repealer
463.1102	Repealer
463.1103	Repealer
463.1104	Repealer
463.1105	Repealer
463.1106	Repealer
463.1107	Repealer
463.1201	Repealer
463.1202	Repealer

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463.1203	Repealer
463.1301	Repealer
463.1302	Repealer
463.1303	Repealer
463.1401	Repealer
463.1402	Repealer
463.1403	Repealer
463.TABLE A	Repealer

4) Statutory Authority: Authorized by and implementing Sections 55.10 and 55.11 of the Civil Administrative Code of Illinois [20 ILCS/55.10 and 55.11].

5) Effective Date of Repealer: August 21, 1998

6) Does this Rulemaking Contain an Automatic Repeal Date? No

7) Does this Rulemaking Contain any Incorporation by Reference? No

8) A copy of the adotped repealer including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection

9) Date Notice of Proposed Repealer was Published in the Illinois Register:

21 Ill. Reg. 14199 - October 31, 1997

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

11) Difference Between Proposal and Final Version: There were no differences between the proposal and final version.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were requested by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department is repealing these rules which established standards applicable to laboratories that conduct microbiological and chemical analysis of raw and pasteurized milk. The rules have been repealed because they are superseded by the Grade A Pasteurized Milk Ordinance (PMO). The PMO is a model milk regulation

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adopted by the federal Food and Drug Administration to assist states in initiating and maintaining effective programs for the prevention of milkborne diseases. The Department has incorporated the PMO in its rules governing the production of Grade A milk and milk products, and manufactured dairy products (77 Ill. Adm. Code 775 and 785). By repealing the rules for approval of laboratories that perform analysis on milk samples and applying the provisions of the PMO for approval of such laboratories, the Department can ensure that current industry standards are being enforced.

16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Legal Services,
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield Illinois 62761
(217)
782-2043.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)

2) Code Citation: 89 Ill. Adm. Code 679

3) Section Numbers: 679.50 — Emergency Action: Amendment

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) Effective Date of Amendments: August 14, 1998

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed in Agency's Principal Office: August 14, 1998

8) Reason for Emergency: In June 1998, Governor Edgar signed legislation that increased the rate of payment for Personal Assistants paid by the Home Services Program by 4.9 percent. This rate increase was effective on July 1, 1998. This increase requires the Service Cost Maximums for the Home Services Program to be increased so that clients can receive the needed hours of service. Failure to increase the Service Cost Maximums to reflect the increased cost of service can be detrimental to the health and safety of the individuals served by the Department of Human Services, Home Services Program. This threat to health and safety arises because current clients in need of increased hours of service to address changes in their medical or home situation cannot receive those services if the cost of the additional hours of service exceed the current SCM. Also, new clients cannot receive the hours of service they may need because the cost of the services with the rate increase will exceed the SCM.

9) A Complete Description of the Subject and Issues Involved: The purpose of this Amendment is to increase the SCM of the Home Services Program by 4.9%. This increase is needed to bring the current rules in line with the rate increase recently approved by the Legislature and signed by Governor Edgar. The SCM is the maximum amount that can be spent for services through HSP for an individual who chooses HSP services over institutionalization.

10) Are there any other amendments pending on this Part? No

11) Statement of Statewide Policy Objectives (if applicable): Not Applicable

12) Information and questions regarding this amendment shall be directed to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Bureau Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679
DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section
679.10 General Provisions
679.20 Composition of the DON
679.30 Scoring of the DON Except for Respite Cases
679.40 Scoring the DON for Respite Cases
679.50 Service Cost Maximums (SCMs)
EMERGENCY

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; recodified from the Department of Rahabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective May 29, 1998; emergency amendment at 22 Ill. Reg. ~~16091~~, effective August 14, 1998, for a maximum of 150 days.

Section 679.50 Service Cost Maximums (SCMs)
EMERGENCY

a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount ~~is~~ directly corresponds ~~correspondent~~ to the amount the State would expect to pay for the nursing care component of institutionalization if the individual chose institutionalization.

b) The SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	$ 809 ~~711~~
33 through 40	930 ~~807~~
41 through 49	1,034 ~~906~~
50 through 59	1,238 ~~1,108~~
60 through 69	1,455 ~~1,307~~
70 through 79	1,574 ~~1,500~~

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80 through 100	1,692 ~~1,613~~

c) The SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
29 through 32	1,042 ~~993~~
33 through 40	1,562 ~~1,489~~
41 through 49	2,083 ~~1,986~~
50 through 59	2,604 ~~2,482~~
60 through 69	3,125 ~~2,979~~
70 through 79	3,645 ~~3,475~~
80 through 100	4,167 ~~3,972~~

d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

(Source: Emergency Amendment at 22 Ill. Reg. ~~16091~~, effective Agust 14, 1998, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

CAPITAL DEVELOPMENT BOARD

Heading of the Part: Procurement Practices

Code Citation: 44 Ill Adm Code 910

Section Numbers: 910.150(a)(2)(A), (a)(2)(C) and (a)(2)(E)

Date Originally Published in the Illinois Register: 7/31/98
22 Ill Reg 14333

At its meeting on August 18, 1998, the Joint Committee on Administrative Rules objected to Section 910.150(a)(2)(A), (a)(2)(C) and (a)(2)(E) of the Capital Development Board's emergency rulemaking entitled Procurement Practices (44 Ill Adm Code 910; 22 Ill Reg 14333) because the $30,000 threshold amount requiring prior approval of a change order and a finding that a change order is germane by CDB is not in conformity with the requirements of Sections 30-35 and 15-25(a) of the Procurement Code.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF FINANCIAL INSTITUTIONS

Heading of the Part: Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges

Code Citation: 38 Ill Adm Code 130

Section Numbers: 130.50

Date Originally Published in the Illinois Register: 4/3/98
22 Ill Reg 6019

At its meeting on August 18, 1998, the Joint Committee on Administrative Rules objected to the above cited rulemaking because, by only requiring the posting of maximum charges, the rulemaking is contrary to Section 19.4 of the Currency Exchange Act [205 ILCS 405/19.4].

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the Illinois Register:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1

2. Summary of information:

   Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 1998. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents
Agricultural Producers and Products
Assessments
Automobile Renting Tax
Bingo
Books and Records
Bulk Sales
C.O.A.D.
Certificate of Registration
Charitable Games
Cigarette Tax
Claims for Credit
Coal Fueled Devices
Coal Mining Equipment
Coins & Precious Metals
Computer Software
Manufacturing Machinery & Equipment
Medical Appliances
Miscellaneous
Motor Fuel Tax
Motor Vehicles
Newsprint & Ink
Nexus
Nonprofit Institutions
Occasional Sale
Oil Field Equipment
Penalties
Pollution Control Facilities
Prepaid Sales Tax
Products of Photoprocessing
Property Tax
Public Utility Taxes

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Construction Contractors
Cooperative Associations
Delivery Charges
Distillation Machinery
Drug Tax Stamps
Drugs
Enterprise Zones
Exempt Organizations
Farm Machinery & Equipment
Federal Excise Tax
Financial Institutions
Food
Food, Drugs & Medical Appliances
Governmental Bodies
Graphic Arts
Gross Receipts
High Impact Business
Hotel Operators' Tax
Interest
Interstate Commerce
Itinerant Vendors
Invested Capital Tax
Leasing
Liquor Tax
Local Taxes
Mandatory Service Charges
Manufacturer's Purchase Credit
Manufacturers
Real Estate Transfer Tax
Repairs
Replacement Vehicle Tax
Request for Information
Returns
Rolling Stock Exemption
Sale at Retail
Sale for Resale
Sale of Service
Service Occupation Tax
Signature
Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Tire User Fee
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus $.50 per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for $3.00.

3. Name and address of person to contact concerning this information:

   Margaret Forth
   Legal Services Office
   101 West Jefferson Street
   Springfield, Illinois 62794
   Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

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AGRICULTURAL PRODUCERS AND PRODUCTS

ST 98-0142-GIL 04/30/1998 Under the Retailers' Occupation Tax Act and these Tax Act, the farm machinery and equipment exemption is available for purchases of machinery and equipment used or leased for use primarily (over 50% of the time) in production agriculture or for use in State or federal agricultural programs. See 86 Ill. Adm. Code 130.305 (This is a GIL.)

AUTOMOBILE RENTING TAX

ST 98-0152-GIL 05/05/1998 Auto dealers incur Automobile Renting Occupation Tax liability when those dealers provide vehicles to repair customers for short-term periods and are compensated by manufacturers. See 35 ILCS 155/1 et seq.. (This is a GIL.)

COAL MINING EQUIPMENT

ST 98-0151-GIL 05/05/1998 In order to qualify for the exemption related to coal mining machinery and equipment, items must be either machinery or equipment used primarily in coal exploration, mining, off highway hauling, processing, maintenance and reclamation. See 86 Ill. Adm. Code 130.350. (This is a GIL.)

ST 98-0178-GIL 06/03/1998 86 Ill. Adm. Code 130.350 states that, " i f a retailer accepts the certificate and the purchaser does not, in fact, use the equipment in a qualifying manner, the purchaser will be liable to the Department for tax." However, this does not relieve the seller of his obligation to exercise good faith in accepting certificates from purchasers. (This is a GIL.)

COIN-OPERATED AMUSEMENT DEVICES (C.O.A.D.)

ST 98-0191-GIL 06/22/1998 Coin-in-the-slot-operated amusement devices and redemption machines are legal in Illinois when conducted in accordance with the provisions of the Coin-Operated Amusement Device and Redemption Machine Tax Act and all regulations promulgated thereunder. See, 35 ILCS 510/1 et seq. and

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corresponding regulations at 86 Ill. Adm. Code 460.101 et seq. (This is a GIL.)

COMPUTER SOFTWARE

ST 98-0125-GIL 04/20/1998 Sales of "canned" computer software are taxable retail sales. If the computer software consists of custom computer programs, then the sale of such software is not a taxable retail sale. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 98-0192-GIL 06/22/1998 Generally, sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 98-0207-GIL 06/30/1998 If transactions for the licensing of computer software meet all of the criteria provided in Section 130.1935(a)(1), neither the transfer of the software or the subsequent software updates will be subject to Retailers' Occupation Tax. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 98-0123-GIL 04/17/1998 Persons who permanently affix tangible personal property to real estate act as construction contractors and incur Use Tax liability on their cost price of the items they physically incorporate into real estate. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 98-0138-GIL 04/30/1998 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 98-0170-GIL 05/29/1998 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such

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purchases based upon the cost price of the tangible personal property. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 98-0181-GIL 06/04/1998 In Illinois, construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 98-0187-GIL 06/17/1998 Construction contractors are deemed end users of tangible personal property purchased for incorporation into real property. As end users of such tangible personal property, contractors incur Use Tax liability for such purchases based upon the cost price of the tangible personal property. 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 98-0196-GIL 06/23/1998 The specific tax liability of modular or manufactured home dealers depends upon whether they act as retailers or construction contractors in their transactions. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 98-0199-GIL 06/26/1998 Persons who take tangible personal property and permanently affix it to real estate act as construction contractors. See the enclosed copy of 86 Ill. Adm. Code 130.1940. (This is a GIL.)

DELIVERY CHARGES

ST 98-0113-GIL 04/13/1998 Handling charges represent a retailer's cost of doing business, and are consequently always includable in gross charges subject to tax. See, 86 Ill. Adm. Code 130.410. (This is a GIL.)

ST 98-0122-GIL 04/16/1998 As a technical proposition, handling charges represent a retailer's cost of doing business, and are consequently always includable in gross charges subject to tax. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

ST 98-0197-GIL 06/26/1998 Handling charges represent a retailer's cost of doing business, and are includable in gross charges subject to tax. See, 86 Ill. Adm. Code

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130.410. (This is a GIL.)

ENTERPRISE ZONES

ST 98-0115-GIL 04/13/1998 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951 (This is a GIL.)

ST 98-0158-GIL 05/06/1998 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone by remodeling, rehabilitation or new construction. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

EXEMPT ORGANIZATIONS

ST 98-0116-GIL 04/14/1998 Exempt organizations that have E-numbers are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See, 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 98-0140-GIL 04/30/1998 Organizations that make application to the Department and are determined to be exclusively religious, educational, or charitable, receive an exemption identification number ("E" number). See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 98-0141-GIL 04/30/1998 Organizations that are exclusively religious, educational, or charitable can make application to the Department for exemption identification numbers required to make tax-free purchases of tangible personal property for use or consumption. See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 98-0169-GIL 05/27/1998 Organizations that have applied for and received an "E" number are allowed to engage in a

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very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005. (This is a GIL.)

ST 98-0202-GIL 06/29/1998 Exempt organizations are allowed to engage in a very limited amount of retail selling without incurring Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2005(a)(2) through (a)(4). (This is a GIL.)

FARM MACHINERY AND EQUIPMENT

ST 98-0134-GIL 04/29/1998 In order for a transaction to qualify for exemption on the basis of the Farm machinery & Equipment exemption, a certification must be obtained containing the information set out at 86 Ill. Adm. Code 130.305(m). This letter clarifies a letter (90-0795) which the Department issued on November 20, 1990. (This is a GIL.)

FOOD

ST 98-0118-GIL 04/14/1998 See, 86 Ill. Adm. Code 130.310. Items that qualify as food, medicines, or medical appliances are subject to a lower State rate of tax. (This is a GIL.)

FOOD, DRUGS AND MEDICAL APPLIANCES

ST 98-0110-GIL 04/03/1998 Food, drugs, medicines and medical appliances are subject to a low State tax rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 98-0173-GIL 05/29/1998 Items that qualify as food, medicines, or medical appliances are subject to the low rate of tax, 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GOVERNMENTAL BODIES

ST 98-0177-GIL 06/03/1998 Sales to governmental bodies are not subject to tax when such governmental bodies have

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obtained active exemption identification numbers from the Department. See 86 Ill. Adm. Code 130.2080. (This is a GIL.)

ST 98-0200-GIL 06/26/1998 Construction contractors who physically incorporate tangible personal property into real estate owned governmental entities can purchase such property tax-free. See, 86 Ill. Adm. Code 2075. (This is a GIL.)

GRAPHIC ARTS

ST 98-0139-GIL 04/30/1998 The Graphic Arts Machinery and Equipment Exemption extends to machinery and equipment that is used primarily (more than 50% of the time) in graphic arts production. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

GROSS RECEIPTS

ST 98-0154-GIL 05/06/1998 A bad debt is not considered a mistake of fact or an error of law. Therefore, bad debts do not fall within the parameters of Section 6 of the Retailers' Occupation Tax Act. See 35 ILCS 120/6. (This is a GIL.)

ST 98-0175-GIL 04/29/1998 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. The tax is measured by sellers' gross receipts from such sales. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

ST 98-0203-GIL 06/29/1998 Processing charges are generally overhead costs which are costs of doing business and are an element of the gross receipts subject to tax even if separately stated on the bill to customer. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

ST 98-0206-GIL 06/30/1998 Gross receipts are defined as all the consideration actually received by a retailer from whatever source, except traded-in tangible personal property. See, 86 Ill. Adm. Code 130.401. (This is a GIL.)

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HIGH IMPACT BUSINESS

ST 98-0168-GIL 05/26/1998 Retailers claiming the High Impact Business deduction must have among their books and records written statements signed by the purchasers setting out facts which establish the deduction. See 86 Ill. Adm. Code 130.1952(c). (This is a GIL.)

HOTEL OPERATORS' TAX

ST 98-0149-GIL 05/04/1998 The Hotel Operators' Occupation Tax Act imposes a tax upon persons engaged in the business of renting, leasing or letting rooms in a hotel. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

ST 98-0180-GIL 06/04/1998 The Hotel Operators' Occupation Tax contains no exemption for rentals to churches, charities, schools or units of government. See 86 Ill. Adm. Code 480.101. (This is a GIL.)

LEASING

ST 98-0117-GIL 04/14/1998 Except for automobiles leased for a period of one year or less, lessors of tangible personal property in Illinois under true leases are considered to be the end users of the property to be leased and incur Use Tax on their cost price of the property. See, 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 98-0135-GIL 04/29/1998 Under Illinois law, lessors under true lease agreements are deemed the users of items they purchase for rental purposes. Accordingly, lessors incur a Use Tax liability on such purchases. See 86 Ill. Adm. Code 130.2010. This letter clarifies a letter (90-0370) which the Department issued on June 20, 1990. (This is a GIL.)

ST 98-0160-GIL 05/08/1998 Lessors of tangible personal property under true leases in Illinois, are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 98-0172-GIL 05/29/1998 Lessors of tangible personal property

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under true leases in Illinois, are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 98-0194-GIL 06/22/1998 In Illinois, lessors of tangible personal property under a true lease, except for rentors of automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the end users of tangible personal property located in Illinois, lessors incur Use Tax on the lessors' cost price of the property. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 98-0195-GIL 06/22/1998 In Illinois, lessors of tangible personal property under a true lease, except for rentors of automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.2010. (This is a GIL.)

ST 98-0204-GIL 06/30/1998 Lessors of tangible personal property under true leases in Illinois, are deemed end users of the property to be leased. The only exception is a rentor of automobiles under lease terms of one year or less. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

LIQUOR TAX

ST 98-0156-GIL 05/06/1998 The Illinois Department of Revenue administers a tax upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor. The tax imposed by the Liquor Control Act of 1934 ("Act") is set forth at 35 ILCS 5/8-1 et. seq. See 86 Ill. Adm. Code 420.10. (This is a GIL.)

ST 98-0165-GIL 05/18/1998 The Illinois Department of Revenue administers a tax upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor. The tax imposed by the Liquor Control Act of 1934 ("Act") is set forth at 35 ILCS 5/8-1 et seq.. See 86 Ill. Adm. Code 420.10. (This is a GIL.)

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LOCAL TAXES

ST 98-0198-GIL 06/26/1998 The Department does not have the authority to determine if a home rule municipal sales tax is valid after the municipality has eliminated its home rule status. See, 65 ILCS 5/8-11-1. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

ST 98-0109-GIL 04/03/1998 The Manufacturer's Purchase Credit may be used to satisfy Use Tax or Service Use Tax liability incurred on the purchase of qualifying production related tangible personal property. See 86 Ill. Admin. Code 130.331(b). (This is a GIL.)

ST 98-0128-GIL 04/25/1998 Taxpayers whose purchases qualify for the manufacturer's purchase credit must maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used manufacturer's purchase credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of manufacturer's purchase credit used on each purchase. See 35 ILCS 105/3-85 and 86 Ill. Adm. Code 130/331. (This is a GIL.)

ST 98-0186-GIL 06/15/1998 The State of Illinois provides a manufacturer's purchase credit in addition to the exemption for manufacturing machinery and equipment. See 86 Ill. Adm. Code 130.331. (This is a GIL.)

ST 98-0188-GIL 06/18/1998 Retailers and servicemen are not required to accept Manufacturer's Purchase Credit certifications after sales have taken place and the appropriate tax has been paid. See, 86 Ill. Adm. Code 130.331. (This is a GIL.)

ST 98-0201-GIL 06/26/1998 Retailers and servicemen are not required to accept Manufacturer's Purchase Credit certifications after sales have taken place and the appropriate tax has been paid. See, 86 Ill. Adm. Code 130.331. (This is a GIL.)

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MANUFACTURING MACHINERY AND EQUIPMENT

ST 98-0108-GIL 04/02/1998 The Retailers' Occupation Tax does not apply to sales of machinery and equipment used primarily in manufacturing or assembling tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 98-0124-GIL 04/20/1998 The manufacturing machinery and equipment exemption is available for machinery and equipment used primarily (over 50% of the time) in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 98-0193-GIL 6/22/1998 As a general rule, under the Manufacturing Machinery and Equipment exemption, post-production storage facilities do not qualify for exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MEDICAL APPLIANCES

ST 98-0107-GIL 4/02/1998 Medicines and medical appliances are not taxed at the normal State rate of 6.25%. These items are taxed at a lower rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 98-0157-GIL 5/06/1998 A reduced tax rate of 1% is applied to medicines and medical appliances. A medical appliance is defined as an item which is intended by its manufacturer for use in directly substituting for a malfunctioning part of the body. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

MISCELLANEOUS

ST 98-0111-GIL 04/13/1998 86 Ill. Adm. Code 130.2055(b) provides that " s ince a state may not place the legal incidence of its taxes directly on the United States Government or on a foreign government, sales by the United States Government and foreign governments, or any agency or instrumentality of any such government,

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are not subject to the Retailers' Occupation Tax even though such sales may be made in Illinois. (This is a GIL.)

ST 98-0131-GIL 04/28/1998 The Illinois Retailers' Occupation Tax Act (35 ILCS 120/1 et seq.) imposes a tax upon "persons engaged in the business of selling at retail tangible personal property, including computer software, and including photographs, negatives, and positives that are the product of photoprocessing..." (35 ILCS 120/2) Sales of Internet access services are generally not sales of tangible personal property. Therefore, sales of Internet access services are generally not subject to Retailers' Occupation Tax. (This is a GIL.)

ST 98-0133-GIL 04/29/1998 This letter discusses Service Occupation/ Service Use Tax, taxation of maintenance contracts, freight charges, leases, membership dues, and consulting services. See 86 Ill. Adm. Code Sections 130.220, 130.410, 130.415, 130.450, 130.2010, 140.101 and 140.301. (This is a GIL.)

ST 98-0137-GIL 04/29/1998 This letter discusses federal excise taxes on gasoline and diesel fuel in the sales tax base, situs of sales for local tax purposes and books and records retention requirements. See 86 Ill. Adm. Code Sections 130.445, 130.815, and 270.115. (This is a GIL.)

ST 98-0164-GIL 05/15/1998 The Department has interpreted the aggregate mining exemption as exempting equipment used primarily in aggregate exploration, mining, offhighway hauling, processing, maintenance, and reclamation. See 35 ILCS 105/3-7, 35 ILCS 110/3-7, 35 ILCS 115/3-7 and 35 ILCS 120/2-7 (This is a GIL.)

ST 98-0174-GIL 05/29/1998 Gross receipts from retail sales are not subject to tax when the seller is obligated, under the terms of an agreement with the purchaser, to make delivery of the property from a point in this State to a point outside this State, not to be returned to this State, provided that such delivery is actually made. See, 86 Ill. Adm. Code 130.605. (This is a GIL.)

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NEXUS

ST 98-0129-GIL 04/27/1998 An out-of-State seller is required to register as an Illinois Use Tax collector when it falls within the statutory definition of a "Retailer maintaining a place of business in this State," defined at 35 ILCS 105/2. (This is a GIL.)

OCCASIONAL SALE

ST 98-0153-GIL 05/06/1998 Isolated or occasional sales of tangible personal property at retail by persons who do not hold themselves out as being engaged (or who do not habitually engage) in selling such tangible personal property at retail do not constitute engaging in a business of selling such tangible personal property at retail. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 98-0003-PLR 06/23/1998 Purchasers of pollution control facilities must comply with the certification requirements of subsection (a) of Section 130.335. (This is a PLR.)

ST 98-0143-GIL 04/30/1998 Sewage treatment systems that use a combination of aeration and aerobic bacterial action to treat household wastewater and thereby reduce or eliminate pollutants contained in household wastewater would generally qualify as pollution control facilities. See, 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 98-0166-GIL 05/18/1998 In general, air purification and filtration equipment can qualify for the pollution control exemption so long as the primary purpose is treating or disposing of pollutants in the air which if remained in the air without such treatment or disposal would be offensive to human, plant, or animal life or to property. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 98-0182-GIL 06/04/1998 In general, air purification and air filtration equipment can qualify for the

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pollution control exemption so long as their primary purpose is treating or disposing of pollutants in the air which if remained in the air without such treatment or disposal would be offensive to human, plant, or animal life or to property. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

PUBLIC UTILITY TAXES

ST 98-0127-GIL 04/21/1998 The Energy Assistance Charge is assessed by each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois upon each of its customer accounts. See 305 ILCS 20/13. (This is a GIL.)

ST 98-0132-GIL 04/29/1998 The RPU-6 Assistance Charges Return for Electricity Distributors is used by electricity distributors to report the collection of Energy Assistance Charges and Renewable Energy Resources and Coal Technology Development Assistance Charges from their customers. Both of these charges are also reported by natural gas distributors on Form RG-6 Assistance Charges Return for Natural Gas Distributors. See, 305 ILCS 20/13 and Section 6-5 of Article 6 of Public Act 90-561. (This is a GIL.)

ST 98-0144-GIL 05/01/1998 Public Act 90-561 removed distributors of electricity (excluding electric cooperatives) from those persons subject to the Invested Capital Tax imposed under Section 2a.1 of the Public Utilities Revenue Act, effective January 1, 1998. At the same time, a tax was imposed under Section 2a.1 upon these distributors of electricity based upon the amount of kilowatt-hours distributed by the taxpayer in this State during the taxable period. See, 35 ILCS 620/2a.1 and 2a.2. (This is a GIL.)

ST 98-0148-GIL 05/04/1998 The Energy Assistance Charge is assessed by each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the

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delivery of electricity or the distribution of natural gas within the State of Illinois upon each of its customer accounts. See 305 ILCS 20/13. (This is a GIL.)

ST 98-0159-GIL 05/08/1998 The "RPU-6 Assistance Charges Return for Electricity Distributors" is used by electricity distributors to report the collection of Energy Assistance Charges and Renewable Energy Resources and Coal Technology Development Assistance Charges from their customers. See, 305 ILCS 20/13 and Section 6-5 of Article 6 of Public Act 90-561. (This is a GIL.)

ST 98-0161-GIL 05/13/1998 The Energy Assistance Charge is assessed by each public utility, electric cooperative, as defined in section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois upon each of its customer accounts. See 305 ILCS 20/13. (This is a GIL.)

ST 98-0162-GIL 05/11/1998 The Energy Assistance Charge is assessed by each public utility, electric cooperative, as defined in section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois upon each of its customer accounts. See 305 ILCS 20/13. (This is a GIL.)

REPLACEMENT VEHICLE TAX

ST 98-0145-GIL 05/01/1998 The Illinois Replacement Vehicle Tax, 625 ILCS 5/3-2001, states that a tax of $200 will be imposed on purchases of passenger cars in Illinois by, or on behalf of, insurance companies replacing passenger cars of insured persons in settlement of a total loss claim. (This is a GIL.)

RETURNS

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ST 98-0155-GIL 05/06/1998 Retailers who engage in retail selling on their premises and also lease a portion of those premises to others who engage in selling upon those premises under the identities of the lessors, are required to file sales tax returns with the Department for all sellers at the premises. See 86 Ill. Adm. Code 130.1305. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 98-0112-GIL 04/13/1998 The Retailers' Occupation Tax Act provides an exemption for tangible personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors of such interstate carriers. See 35 ILCS 120/2-5(12) and (13) (1996 State Bar Edition). (This is a GIL.)

SALE AT RETAIL

ST 98-0130-GIL 04/28/1998 Manufacturers, importers or wholesalers can enter into "agency agreements" with the Department, whereby they register, file returns and remit Retailers' Occupation Tax (sales tax) on behalf of their local retailers. See 86 Ill. Adm. Code 130.550. (This is a GIL.)

ST 98-0183-GIL 06/04/1998 Except as provided in subsection (b) of 86 Ill. Adm. Code 130.1960, lending agencies or finance companies are subject to Retailers' Occupation Tax liability on the sale of repossessed tangible personal property. See, 86 Ill. Adm. Code 130.1960. (This is a GIL.)

ST 98-0189-GIL 06/18/1998 Pursuant to 86 Ill. Adm. Code 130.2130, sales by persons such as undertakers, funeral directors and cemeteries are deemed to be retail sales of tangible personal property for use or consumption regardless of whether the items, such as caskets, flowers or pallbearer's gloves, are sold in conjunction with other funeral services or entombment. (This is a GIL.)

ST 98-0205-GIL 06/30/1998 If an interior designer sells merchandise in addition to furnishing his services, he incurs

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Retailers' Occupation Tax liability on the receipts from his sale of the merchandise involved. See 86 Ill. Adm. Code 130.101. (This is a GIL.)

SALE FOR RESALE

ST 98-0126-GIL 04/20/1998 This letter discusses drop shipment situations, certificates of resale, and leasing. See 86 Ill. Adm. Code Sections 130.1405, 130.220, and 150.310. (This is a GIL.)

ST 98-0146-GIL 05/04/1998 A Certificate of Resale is valid if it contains the information set out in 86 Ill. Adm. Code 130.1405. See, 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 98-0167-GIL 05/26/1998 This letter sets forth how a standard drop shipment transaction is treated in Illinois for Retailers' Occupation Tax and Use Tax purposes. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 98-0179-GIL 06/03/1998 This letter describes the standard drop-shipment scenario and explains Certificates for Resale. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 98-0190-GIL 06/19/1998 If persons purchase tangible personal property for resale, and not for use or consumption, the purchasers can obtain that property without incurring tax by providing their suppliers with Certificates of Resale. See, 86 Ill. Adm. Code 130.1405. (This is a GIL.)

SALE OF SERVICE

ST 98-0114-GIL 04/13/1998 The purchase of tangible personal property that is transferred to service customers of an auto body shop may result in either Service Occupation Tax liability or Use Tax liability for the servicemen. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

SERVICE OCCUPATION TAX

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ST 98-0119-GIL 04/14/1998 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See, 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 98-0120-GIL 04/14/1998 Generally the taxability of a maintenance agreement is dependant upon whether the charge for the agreement is included in the selling price of tangible personal property that was purchased. See, 86 Ill. Adm. Code 140.301. (This is a GIL.)

ST 98-0121-GIL 04/14/1998 The purchase of tangible personal property that is transferred by a serviceman to a service customer may result in either Service Occupation Tax liability or Use Tax liability for the serviceman, depending upon which tax base the serviceman chooses to calculate his or her liability. See, 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 98-0150-GIL 05/04/1998 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred as an incident to sales of service. See the enclosed copy of 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 98-0163-GIL 05/15/1998 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 98-0184-GIL 06/10/1998 The Service Occupation Tax is imposed upon the transfer of tangible personal property incident to sales of service. If no tangible personal property is transferred, no Service Occupation Tax is incurred. See 35 ILCS 115/1 et seq. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 98-0002-PLR 05/13/1998 The Telecommunications Excise Tax does not apply to value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. See, 86 Ill. Adm. Code 495.100(d)(This is a PLR).

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ST 98-0147-GIL 05/04/1998 The Telecommunications Excise Tax is imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers. 35 ILCS 630/3 and 630/4. (This is a GIL.)

ST 98-0171-GIL 05/29/1998 This letter discusses applicability of the Telecommunications Excise Tax to internet access providers. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

TOBACCO PRODUCTS TAX ACT

ST 98-0185-GIL 06/11/1998 86 Ill. Adm. Code 660.05 provides that the Tobacco Products Tax is "imposed upon the last distributor, as defined in Section 660.10, who sells tobacco products to a retailer or consumer in Illinois". (This is a GIL.)

USE TAX

ST 98-0106-GIL 04/01/1998 Illinois allows a credit against Illinois Use Tax liability for tax that has been properly paid to another State. See 86 Ill. Adm. Code 150.310(a)(3). (This is a GIL.)

ST 98-0136-GIL 04/29/1998 Donors who purchase tangible personal property and give it away in Illinois make a taxable use of the property when making those gifts See, 86 Ill. Adm. Code 150.305. (This is a GIL.)

VEHICLE USE TAX

ST 98-0176-GIL 04/30/1998 Article X of the Illinois Vehicle Code imposes a tax on the privilege of using a motor vehicle in this State that is acquired by gift, transfer, or purchase. 625 ILCS 5/3-1001 (1996 State Bar Edition). (This is a GIL.)

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a) Part(s) (Heading and Code Citation): Practice in Administrative Hearings (89 Ill. Adm. Code 104)

1) Rulemaking: Provide custodial parents in administrative paternity and child support cases with appeal rights commensurate with those afforded non-custodial parents. Provide hearing officers and appellants in administrative paternity cases with guidance for ruling on petitions for extraordinary relief filed under proposed revisions to 89 Ill. Adm. Code 160.61.

A) Description: The Department will propose amendments to Section 104.100, Section 104.101 and Section 104.102 concerning hearings de novo requested on appeals from administrative support orders granting custodial parents the same procedural safeguards and right to request relief currently provided non-custodial parents. The changes will be proposed as a Departmental response to requests by child support clients and their advocates.

The Department will propose changes in Section 104.105 to clarify the evidentiary standards for reviewing petitions for relief from administrative paternity orders. The changes are intended to more closely track relief available from final judgments in civil judicial cases.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code 305 ILCS 5/12-13

C) Schedule of Meeting or Hearing Dates: the Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.

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G) Related Rulemakings and Other Pertinent Information: None

b) Part(s) (Heading and Code Citation): Medical Assistance Programs (89 Ill. Adm. Code 120)

1) Rulemaking: Change asset exemption policy concerning funds intended for coverage of funeral and burial expenses. Add new provisions to specifically identify exempt assets. Change the age requirement for certain MANG community clients. Change the requirements concerning verification of "living with" and relationship to the caretaker for family MANG cases. Revise the policy on not allowing guardianship fees for AABD MAG and MANG clients. Change the policy concerning budgeting the income of persons who are 18 year old and not in full-time school attendance.

A) Description: The Department intends to change the policy concerning asset exemptions to promote the saving of assets intended for funeral and burial expenses. Under these provisions, a client will be able to set aside up to $4,000 as exempt assets when the funds are held in an irrevocable trust specifically for the funeral and burial expenses of the individual.

The Department plans to propose amendments to Section 120.381, Exempt Assets, to more clearly identify those assets that are exempt from consideration in determining eligibility for the Medical Assistance program. Some of the material on exempt assets found in rules of the Department of Human Services at 89 Ill. Adm. Code 113.141 is applicable to the Department's eligibility requirements for the Medical Assistance program and will be reflected in the proposed changes to Section 120.381.

The Department intends to change the age requirement affecting Medicaid eligibility for children in Family MANG cases. This change will eliminate the current requirement that all children who are 18 years old must be in full-time school attendance to receive Family MANG and TANF Cash.

The Department intends to propose changes concerning the

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requirements on "living with" and relationship to the caretaker provisions for children in Family MANG cases. These changes will simplify the application process, particularly for persons who apply at outstation sites, and make Medicaid consistent with the new proposed Title XXI Program in which the status of "living with" and relationship to the caretaker will not be verified. Currently, if a child lives with a caretaker relative, the Department requires the caretaker to verify that the child lives in the caretaker's home when determining eligibility for cash and/or Medicaid. The verification of the caretaker relative's relationship to the child is also required.

The Department intends to propose changes to the policy on guardianship fees for AABD MAG and MANG clients. These changes would allow the Department to recognize court-ordered guardianship fees from the client's income or assets. For institutionalized persons, this would be accomplished by increasing the personal allowance. For all others, the fees would be an allowable deduction from income. Current policy prohibits deductions from the income of MANG clients, or allowances for MAG clients for any fees or costs related to guardianship.

The Department also intends to propose changes regarding the exempt earned income policy for Family MANG clients. These changes will allow the Department to exempt the earnings of a client who is 18 years of age and not in full-time school attendance when determining his or her eligibility.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code 305 ILCS 5/12-13

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department

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will accept and consider any written comments concerning such effects that may be submitted in response to this Regulatory Agenda.

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G) Related Rulemakings and Other Pertinent Information: None

c) Part(s) (Heading and Code Citation: Children's Health Insurance Program (89 Ill. Adm. Code 125)

1) Rulemaking: Implement the Children's Health Insurance Act which authorizes the Department to administer an insurance program assisting low-income families to purchase health insurance benefits for their children.

A) Description: The Department will propose new rules under House Bill 705 and thereby establish and implement the Children's Health Insurance Program. This program, known as KidCare, will provide coverage for eligible children, to the extent funding permits, to access health care services. The Department shall provide health care coverage for eligible children by purchasing or providing health care benefits or by subsidizing the cost of privately sponsored health insurance, including employer-based health insurance. This new rulemaking will provide a program description; definitions; requirements concerning eligibility, application and enrollment; an appeal process; a description of covered services; provider reimbursement specifications; and a description of the insurance rebate program.

B) Statutory Authority: The Governor is expected to sign HB 705 in early August 1998. Emergency rulemaking is specifically authorized by the legislation for the implementation of this new program and the Department intends to file the rules on an emergency basis after the Governor signs the enabling legislation.

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may

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be submitted in response to this Regulatory Agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department intends to submit emergency amendments with identical proposed amendments upon the signing of the enabling legislation by the Governor. It is anticipated that these emergency and proposed amendments will be submitted for publication in the *Illinois Register* during August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider only written comments concerning such effects that may be submitted in response to this Regulatory Agenda.

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G) Related Rulemakings and Other Pertinent Information: None

d) Part(s) (Heading and Code Citation: Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking: Update and clarify cost reporting requirements for long term care facilities. Eliminate provisions for annual resident review. Amend provisions relating to ICF/MR facilities. Amend provisions for downsizing ICF/MR facilities. Clarify coverage of private automobiles as medical transportation. Add provisions to incorporate Illinois State Board of Pharmacy requirements. Clarify the coverage and process by which physicians can dispense drugs. Clarify requirements for documentation regarding drugs returned to the pharmacy. Establish a policy that pharmacies must require a signature at the time a Medicaid prescription is picked up. Revise the calculation of the upper limit amount for the reimbursement of over-the-counter (OTC) medications and supplies. Continue phased in implementation of the Recipient Eligibility Verification system. Add

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provisions on audit responses and reaudits. Define prohibited marketing activities and the Department's responsibility for approving marketing plans. Implement a process for the registration, credentialing, rejection, termination and reinstatement of marketing representatives. Add provisions establishing the KidCare Program. Add provisions establishing supplemental payments for FQHCs/RHCs.

A) Description: The Department plans to review all rules regarding cost reporting and allowable costs for long term care facilities. These rules will be updated and clarified as appropriate. The Department does not plan to implement significant changes in policy.

The Department anticipates rulemaking as a result of Public Law 104-315 which deleted annual resident review as a federal requirement.

As one of the final steps under Public Act 87-996 in the transfer of responsibility for administering programs for persons with developmental disabilities (including Medicaid funded intermediate care facilities (ICF/MR)), from the Department to the Department of Human Services (DHS) (formerly Department of Mental Health and Developmental Disabilities), DHS will adopt its own rules relating to ICF/MR facility services and responsibilities. Rules relating to ICF/MR facilities currently under the Department of Public Aid will be amended accordingly.

The Department anticipates rulemaking to address provisions for downsizing to close or reduce bed capacity for ICF/MR facilities that are downsizing either because of concerns with Department of Public Health licensure issues or for programmatic reasons.

Amendments to clarify the coverage of private automobiles as a means of transportation to a medical service are planned by the Department. Current rules do not provide any criteria for enrolling private automobiles as providers of service. The Department will propose that reimbursement for transportation by private automobiles should be limited to continuous services or a chronic medical condition rather than an occasional appointment.

The Department plans to propose changes to the administrative rules to incorporate the Illinois State Board of Pharmacy requirements, for the practice of pharmacy in Illinois. Incorporating these requirements is necessary because the Health Care Financing Administration holds the Department responsible for monitoring compliance for Medicaid recipients. The language for the rules of the Department of Professional Regulation reflects the federal regulations.

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Amendments will be proposed concerning a process whereby physicians can dispense some pharmaceutical products. Although the Medical Practice Act allows physicians to dispense take home drugs, the Department has never allowed physicians to be reimbursed for these take home drugs. Until this past year, there were no instances where a physician insisted on a need to be able to dispense drugs. Physicians offer two reasons for the Department to seriously consider this request: (1) many small pharmacies are closing because they cannot compete with the large chain pharmacies, and (2) pharmaceutical companies are beginning to direct marketing efforts toward physician practices. Physicians who have previously avoided dispensing drugs are becoming aware of a new system for simple dispensing. A vending machine type system is now available for physician use.

The Department plans to propose amendments so that every drug returned to a pharmacy by a nursing home must be credited back to the Department unless there is acceptable documentation that the drug was destroyed within 72 hours of being returned. Failure to provide this credit will be possible grounds for termination or other action.

Amendments are planned to establish a policy regarding client signatures at the time of prescription pick up. Pharmacies will be required to maintain a signature log showing the signature of the recipient or the responsible party acting on the recipient's behalf who picked up each prescription. The log will not need to be separate from the logs required by other payers but must contain information sufficient to permit the prescription to be identified within the Department's payment files.

Department plans to propose revisions to the rules regarding the calculation of the upper limit amount for the reimbursement of over-the-counter (OTC) medications and supplies as a fiscal year 1999 budget initiative. Adopting a reimbursement methodology for OTC medications that is comparable to that for generic drugs is consistent with the methodology now used by many other payers and by other states' Medicaid programs. The previous methodology which marks up wholesale prices by 50 percent but pays no dispensing fee is outdated.

The Department plans to propose rulemaking under the authority included in Public Act 88-554 to continue the implementation of the Recipient Eligibility Verification System. During the second phase of implementation, the Department plans on replacing the current paper medical identification card known as the MediPlan Card. Further technological enhancements may be incorporated into the REV system conditioned on improved technology and medical

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provider response to the REV system.

Additionally, the definition of high volume providers will be determined. In accordance with Public Act 88 554, all medical providers defined as "high volume" must participate in the REV Program.

The Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to the audit findings and provide additional documentation for reaudit, and to provide that only one reaudit will be conducted, and if response is not received, the matter will be referred for administrative hearing to recover the amounts sought.

Certain marketing activities are prohibited by State and Federal law. These activities include unsolicited door-to-door or cold call marketing and marketing at Department of Public Aid or Department of Human Services offices. The Department is further required to establish guidelines for approving marketing plans submitted by managed care entities. The guidelines must include the stated prohibitions as well as criteria for offering gifts, favors or inducements to enroll in a managed care plan and registration of individuals engaged in marketing activities and supervisors of such individuals with the Department.

The Department will propose a process for the registration, credentialing, rejection, termination and reinstatement of marketing representatives and supervisors.

New rules will be proposed to allow for the initiation and expansion of child health assistance to uninsured children of working families in Illinois. This program was created under the Children's Health Insurance Act, and is known as KidCare.

The Department will provide for Supplemental Payments to FQHCs/RHCs as mandated by Section 4712 of the Balanced Budget Act of 1997. This legislation requires the Department to make payments to FQHCs/RHCs that have contracts with MCEs, and which receive reimbursements that are less than 100 percent of their costs from the MCE.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code 305 ILCS 5/12 13 ; Section 5-16.10 of the Public Aid Code 305 ILCS 5/5-16.10 and Section 1932 of the Social Security Act (42 U.S.C. 1396v) as amended by the Balanced Budget Act of 1997 (Public Law 105-33); Section 4712 of the Balanced Budget Act of 1997 requiring the implementation of quarterly adjustments to certain FQHCs and RHCs; Title XXI of the Social Security Act;

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Section 4901 of the Balanced Budget Act of 1997; and House Bill 705 concerning KidCare.

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*. Regarding KidCare, the Department intends to submit emergency amendments with identical proposed amendments upon the signing of the enabling legislation (House Bill 705) by the Governor. It is anticipated that these emergency and proposed amendments will be submitted for publication in the *Illinois Register* during August 1998.

E) Effect on Small Businesses, Small Municipalities, and Not For Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemakings and Other Pertinent Information: None

e) Part(s) (Heading and Code Citation: Managed Care Entities (89 Ill. Adm. Code 143)

1) Rulemaking: Establish new provisions concerning Managed Care Entities (MCE) marketing and sanctions for violations. Establish certification and other requirements for Managed Care Community Networks (MCCNs).

A) Description: The Department plans to propose new rulemaking

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regarding MCE marketing, including distribution of materials, conduct of marketing representatives, complaints and the investigation of said complaints, individual eligibility and sanctions for violations.

The Department intends to add provisions for definitions, certification, quality assurance and review processes, and other administrative requirements for MCCNs in Illinois.

B) Statutory Authority: Public Act 90-538 regarding MCE marketing and Public Act 90-618 establishing MCCNs.

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not for Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not for profit corporations. The Department will accept and consider only written comments concerning such effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemakings and Other Pertinent Information: None

f) Part(s) (Heading and Code Citation): Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)

1) Rulemaking: Amend provisions relating to supportive living

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facilities.

A) Description: The Department intends to revise several provisions in response to discussions with other State agencies and potential supportive living providers during contract negotiations.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code 305 ILCS 5/12-13

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemakings and Other Pertinent Information: None

g) Part(s) (Heading and Code Citation): Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)

1) Rulemaking: Amend provisions relating to ICF/MR facilities.

A) Description: As one of the final steps under Public Act 87 996 in

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the transfer of responsibility for administering programs for persons with developmental disabilities (including Medicaid funded intermediate care facilities (ICF/MR)), from the Department to the Department of Human services (DHS) (formerly Department of Mental Health and Developmental Disabilities), DHS will adopt its own rules relating to ICF/MR facility services and responsibilities. Rules relating to ICF/MR facilities currently under the Department of Public Aid will be amended accordingly.

B) Statutory Authority: Section 12 13 of the Illinois Public Aid Code 305 ILCS 5/12 13

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

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G) Related Rulemakings and Other Pertinent Information: None

h) Part(s) (Heading and Code Citation): Child Support Enforcement (89 Ill. Adm. Code 160)

1) Rulemaking: Clarify and standardize cooperation policy for custodial

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parents. Revise and standardize procedures for entry of administrative support orders. Expand contested administrative paternity determination demonstration project statewide and change the Department's notice requirements within that project. Provide the Department with authority as a tribunal under the Uniform Interstate Family Support Act to modify support orders registered by the Department under the Act. Make technical changes to income withholding rule. Change extent of assignment of support rights in assistance cases in accord with changes in federal law and State Plan Amendments. Create a State Child Support Case Registry.

A) Description: The Department intends to amend Section 160.30 and to propose the repeal of 160.62 concerning cooperation requirements in the child support enforcement program. The changes would place the same cooperation requirements upon all custodial parents within the program as are currently in place for the Contested Paternity Demonstration Project. These changes are authorized under Title 454 of the Social Security Act 42 USC 654 as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193.

The Department plans to amend Section 160.60 regarding entry of administrative support orders. The changes are intended to allow rapid entry of support orders using stringent guidelines. Non-custodial and custodial parents could seek deviation from those guidelines by timely filing a petition for a hearing de novo and presenting evidence.

The Department plans to make changes to Section 160.60 concerning the administrative determination of paternity. These technical changes are necessitated by the anticipated repeal of Article 12-4.31 of the Public Aid Code 305 ILCS 5/12-4.31. The Department intends to issue rule changes that will protect the due process rights of all parties involved in the administrative paternity determination process. The Department intends to issue rule changes that ensure equal treatment of similarly situated parties.

The Department plans to amend Section 160.65 concerning modification of administrative support orders. Under mandate of Title 454 of the Social Security Act 42 USC 654 as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the Legislature has approved a repeal of a prohibition to modifying administratively registered foreign support orders found in Article 10-17.1 of the Public Aid Code 305 ILCS 5/10-17.1 . The proposed changes will give the Department all characteristics of a "tribunal", as that term is defined by Section 101 of the Uniform Interstate Family Support

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Act 305 ILCS 22/101 . Proposed changes will also clarify that custodial parents have a right to initiate and be heard on administrative proceedings to modify administrative support orders.

The Department plans to make changes to Section 160.75 concerning income withholding to secure payment of support. The changes relate to the technical requirements of the content of a notice of withholding and, should Senate Bill 1700 become law, track changes approved by the Legislature in that Bill.

The Department also plans to amend Sections 160.20, 160.100, 160.110 and 160.120 concerning assignment of support rights and distribution of the child support that it collects. Anticipated changes are mandated by Title 408 and 457 of the Social Security Act 42 USC 608 and 42 USC 657 as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 and by the Balanced Budget Act of 1997, Public Law 105-33.

The Department intends to add a new Section to Part 160 that provides for the creation and maintenance of a State Child Support Case Registry in accord with the mandate of Title 454 of the Social Security Act 42 USC 654 as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193. This new Section will safeguard the privacy of registrants.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code 305 ILCS 5/12-13 ; Title 454 of the Social Security Act 42 USC 654 as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193; and the Balanced Budget Act of 1997, Public Law 105-33.

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and

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Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 18, 1998 through August 24, 1998 and have been scheduled for review by the Committee at its September 22, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/1/98	Illinois Gaming Board, Riverboat Gambling (86 Ill Adm Code 3000)	5/29/98 22 Ill Reg 9113	9/22/98
10/3/98	Department of Corrections, Municipal Jail and Lockup Standards (20 Ill Adm Code 720)	5/22/98 22 Ill Reg 8608	9/22/98
10/3/98	Environmental Protection Agency, Public Participation in the Air Pollution Control Permit Program (35 Ill Adm Code 252)	6/19/98 22 Ill Reg 10807	9/22/98
10/4/98	Department of Professional Regulation, The Illinois Nursing Act of 1987 (68 Ill Adm Code 1300)	5/22/98 22 Ill Reg 8764	9/22/98

PROCLAMATIONS

98-384
EDDY FLUTE CHOIR DAYS (REVISION)

Whereas, the Eddy Flute Choir is a group of advanced junior and senior high school flute students of the Eddy Studio 51; and

Whereas, the group was established in 1985 to provide challenges and performing opportunities for young musicians; and

Whereas, the students represent a variety of communities including: Springfield, Chatham, Williamsville, Pleasant Plaines, Rochester, Riverton, Girard, Virden, and Taylorville; and

Whereas, the Eddy Flute Choir has presented programs for area school children, senior citizens, arts groups, churches, and the handicapped; and

Whereas, the group served as official goodwill ambassadors to Austria, Germany, and Switzerland in the summer of 1996; and

Whereas, the flutists performed at the Mirabell Palace Gardens and Hellbrunn Palace Gardens in Salzburg, Austria; the Home for the Blind and Ammergauer Haus convention center in Oberammergau, Germany; the Jesuit Church in Lucerne, Switzerland; the Castle of Chillon in Montreaux, Switzerland; and were honored to perform at the United Nations in Geneva, Switzerland; and

Whereas, the group is a not-for-profit organization. Donations presented to the flute choir have been used to establish four music camp scholarships and funded performance tour work; and

Whereas, the group is currently preparing for a performance tour of England in the summer;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 14-21, 1998, as EDDY FLUTE CHOIR DAYS in Illinois.

98-398
LIEUTENANT GENERAL AND MRS. JOHN B. SAMS, JR. DAY

Whereas, Lieutenant General John B. Sams, Jr. has served as the vice commander, Air Mobility Command at Scott Air Force Base, Illinois, from August 21, 1996, to July 17, 1998; and

Whereas, John B. Sams entered the Air Force in 1967 as a graduate of the Reserve Officer Training Corps program at The Citadel, South Carolina; and

Whereas, John B. Sams is a command pilot having flown over 5,300 flying hours in various aircraft including the C- 7A, B-52 and E-4A/B, and he flew 100 missions during the Vietnam conflict; and

Whereas, John B. Sams has commanded the 1st Airborne Command and Control Squadron, Offutt Air Force Base, NE; the 7th Bombardment Wing, Carswell Air Force Base, TX; the 60th Airlift Wing, Travis Air Force Base, CA; and the Tanker Airlift Control Center, Headquarters Air Mobility Command, Scott Air Force Base, IL, as well as the air mobility forces for Operation Provide Hope in the former Soviet Union; and

Whereas, John B. Sams has served as the director of forces, plans and operations, Headquarters U.S. Air Force, Washington DC; and as the director for plans and policy, U.S. Atlantic Command, Norfolk, VA; and

Whereas, John B. Sams has received numerous awards and decorations, including the Defense Superior Service Medal, the Legion of Merit with two oak leaf clusters, the Distinguished Flying Cross, the Defense Meritorious Service Medal, the Meritorious Service Medal with oak leaf cluster, the Air Medal with two oak leaf clusters, the Air Force Commendation Medal with oak leaf cluster, and the Air Force Outstanding Unit Award with "V" device; and

Whereas, Lieutenant General John B. Sams Jr. and Mrs. Suzanne Sams have served the state and the nation with 31 years of distinguished service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17, 1998, as LIEUTENANT GENERAL AND MRS. JOHN B. SAMS, JR. DAY in Illinois.

Issued by the Governor July 6, 1998.

Secretary by the Secretary of State, July 20, 1998.

98-399
EVANSTON HISTORICAL SOCIETY DAY

Whereas, the Evanston Historical Society is holding a city-wide celebration of its 100th Birthday on July 12, 1998; and

Whereas, "On the evening of November 12, 1898, a meeting was called at the rooms of the Public Library, City of Evanston, for the purpose of forming a Historical Society. It was proposed to apply for a charter from the Secretary of State as a corporation not for pecuniary profit. The name agreed on was the Evanston Historical Society."; and

Whereas, the charter was obtained on November 21, 1898, and on November 29, 1898, the first meeting of the Evanston Historical Society was held in the rooms of the Evanston Public Library; and

Whereas, 100 years later, the Collections Manager still collects items related to Evanston's history, new exhibits continue to open to the public, and the people of Evanston remain committed to its history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 12, 1998, as EVANSTON HISTORICAL SOCIETY DAY in Illinois.

Issued by the Governor July 7, 1998.

Filed by the Secretary July 20, 1998.

98-400
BATON TWIRLING WEEK

Whereas, the baton twirling movement has affected the lives of American girls and boys, and now has nearly one- half million active participants; and

Whereas, baton twirling has been instrumental in building the confidence and character of these young people, and has provided guidance and training so that they might become better qualified citizens; and

Whereas, the art of baton twirling is today one of the largest nationwide beneficial youth movements for girls; and

Whereas, baton twirling plays an important part in children's hospitals as a unique and effective method of physical therapy; and

Whereas, baton twirlers lend so much color and inspiration to our community; and

Whereas, champion twirlers from all over the United States will gather at the University of Notre Dame July 21- 25, 1998, to conduct a colorful youth pageant called "America's Youth on Parade"; and

Whereas, the grand national baton twirling championships will be conducted as part of the big Notre Dame festival;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 19-25, 1998, as BATON TWIRLING WEEK in Illinois.

Issued by the Governor July 8, 1998.
Filed by the Secretary of State July 20, 1998.

98-401
LEMONT HERITAGE FEST DAYS

Whereas, the need for a link between Lake Michigan and the Illinois River was recognized as early as 1673 by the French explorers Louis Jolliet and Father Jacques Marquette; and

Whereas, in January of 1836 the Illinois General Assembly enacted legislation providing for the construction of the canal; and

Whereas, the Illinois & Michigan Canal was begun on Independence Day 1836, after nearly a decade of planning and more than 160 years after the first European explorers contemplated its potential; and

Whereas, during more than a decade of construction, the canal effort withstood natural disasters, labor shortages, financial collapse, and abandonment finally opening in April of 1848; and

Whereas, on June 9, 1873, 30 years after the completion of the canal, 242 residents from the area known as Lemont voted to incorporate as a village. Later that summer, an election of village officers was held, and the Village of Lemont was officially born; and

Whereas, many of the immigrant laborers who built the canal chose to remain, settle, and raise families in Lemont; and

Whereas, the canal continues to play an important role as a recreational resource, including numerous state parks and historical areas, and is a tribute to the ambition of early Illinoisans, the sweat of those who labored and died during its construction, and the destiny of this state as a leader in commerce; and Whereas, in celebration of 150 years of the I & M Canal and 125 years of progress for the Village of Lemont, Heritage Fest will be held in historic downtown Lemont July 11-12, 1998; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 11-12, 1998, as LEMONT HERITAGE FEST DAYS in Illinois.

Issued by the Governor July 8, 1998.
Filed by the Secretary of State July 20, 1998.

98-402
OSTRICH AWARENESS WEEK

Whereas, Illinois Chapter of the American Ostrich Association (ICAOA) is a non-profit organization founded in 1987; and

Whereas, the American Ostrich Association consists of approximately 3,000 members in the parent organization in Fort Worth, Texas, and raises an estimated 500,000 birds; and

Whereas, ICAOA includes more than 200 farmers and 10,000 ostriches and; Whereas, the ICAOA has the third largest membership in the nation; and

Whereas, ICAOA will celebrate Ostrich Awareness Week; and

Whereas, the event will provide information about the status of the Illinois ostrich business, hatching and incubation, the status of the current breeder market and the unfolding of the commercialization of the Illinois raised ostrich; and

Whereas, the event will offer the public a chance to sample this high quality, low-fat red meat;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 12-18, 1998, as OSTRICH AWARENESS WEEK in Illinois.

Issued by the Governor July 8, 1998.
Filed by the Secretary of State July 20, 1998.

98-403
BILL GARVER DAY

Whereas, 1998 marks the 40th consecutive year that Bill Garver has been the voice of the Illinois State Fair Horse Show; and

Whereas, Bill, a consummate professional, devoted husband of 48 years (married Betty Hantle on September 17, 1949) and dedicated father of nine, also finds time to contribute many hours to the Virginia, Illinois, community where he and Betty reside; and

Whereas, Bill has been an announcer and judge for many horse shows throughout the years, and Master of Ceremonies for the Virginia BBQ; and

Whereas, he recently retired from Cass Meat Packing Plant in Virginia and presently serves as a member of the Virginia Park Board; and

Whereas, after family and friends, comes Bill's passion for "Roping;" and

Whereas, Bill will be honored for his 40 years as the voice of the State Fair on Friday, July 10, at the State Fairgrounds Coliseum;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 10, 1998, as BILL GARVER DAY in Illinois.

Issued by the Governor July 9, 1998.
Filed by the Secretary of State July 20, 1998.

98-404
ECUADOR DAY

Whereas, the Ecuadorian community worldwide celebrates May 24 in recognition of the Battle of Pichincha, an important event in their quest for independence; and

Whereas, August 10 is recognized as Ecuador's Day of Independence and is the holiday of the Ecuadorian population throughout the world; and

Whereas, the Ecuadorian community is an important part of Illinois' international composition thanks to the achievements of organizations such as the Ecuadorian Civic Society;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 10, 1998, as ECUADOR DAY in Illinois in recognition of the contributions Ecuadorians make to the strength, diversity and prosperity of this state.

Issued by the Governor July 9, 1998.
Filed by the Secretary of State July 20, 1998

98-405
PERUVIAN DAY

Whereas, July 28, 1821, marks the date the Republic of Peru won its independence; and

Whereas, the Peruvian Arts Society is sponsoring a celebration of the 177th Anniversary of Peru's Declaration of Independence; and

Whereas, this society has, for 35 years, performed cultural, charitable and social activities; and

Whereas, they will host a dinner on July 25 at the Renaissance Oak Park Hotel to celebrate the triumphant Peruvian struggles for liberty and human dignity of every American Republic; and

Whereas, more than 10,000 Peruvians reside in the State of Illinois. As residents of Illinois and now citizens of the United States, the Peruvians are proud of the bonds of friendship built up in their new homeland and of their contributions as worthy members of the community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 25, 1998, as PERUVIAN DAY in Illinois.

Issued by the Governor July 9, 1998.

Filed by the Secretary of State July 20, 1998

98-406
SIGMA ALPHA EPSILON MONTH

Whereas, the Illinois Beta Chapter of Sigma Alpha Epsilon at the University of Illinois Urbana-Champaign was founded on January 28, 1899, by the 11 members of the Red Ribbon Society; and

Whereas, these 11 members are Mr. Albert Fred Kaiser, Mr. Archibald Dixon Schamel, Mr. Bruce Alexander Cambel, Mr. Clarence Edgar Bocock, Mr. Carl Edmund Sheldon, Mr. Cicero Justice Polk, Mr. George Bedel Worthen, Mr. John King Hoagland, Mr. James Franklin Kabel, Mr. Oscar Adolf Leutwiler, and Mr. Thomas Lewis Phillips; and

Whereas, Sigma Alpha Epsilon was founded at the University of Alabama-Tuscaloosa, on March 9, 1856, by Mr. Noble Leslie Devotie, Mr. Nathan Elams Cockrell, Mr. John Webb Kerr, Mr. John Barret Rudolf, Mr. Samuel Marion Dennis, Mr. Wade Hampton Foster, Mr. Abner Edwin Patton, and Dr. Thomas Chappell Cook; and

Whereas, the Illinois Beta Chapter of Sigma Alpha Epsilon has a proud history of invaluable leadership and service to the University of Illinois and the Champaign- Urbana area; and

Whereas, for the last 100 years, the Illinois Beta Chapter of Sigma Alpha Epsilon has been committed to helping young men pursue the ideals of scholarship, leadership and service in order to lead the world into the next century with networks that extend beyond the campus and out to regional, national and international areas; and

Whereas, the brothers of the Illinois Beta chapter of Sigma Alpha Epsilon will celebrate their 100 year anniversary on January 28, 1999; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1999 as SIGMA ALPHA EPSILON MONTH in Illinois and recognize this chapter for its commitment towards educating and developing the minds of young men.

Issued by the Governor July 9, 1998.

Filed by the Secretary of State July 20, 1998

98-407
KENNETH W. OBRECHT APPRECIATED

Whereas, Kenneth W. Obrecht was appointed by Governor James R. Thompson on February 19, 1986, to the Chairmanship of the Board of Trustees of the State Employees' Retirement System; and

Whereas, Kenneth W. Obrecht performed the duties of the Chairman with proficiency and in a manner that demonstrated an understanding of the issues

involved in the System's retirement plan and a sensitivity to the interests of the System's members; and

Whereas, as a member of the Board of Trustees of the Illinois State Board of Investment, Mr. Obrecht demonstrated his considerable financial expertise in an area of vital interest to the System; and

Whereas, Kenneth W. Obrecht resigned from the position of Chairman of the Board of Trustees of the State Employees' Retirement System effective May 1, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, express my appreciation to Kenneth W. Obrecht for his service as Chairman of the Board of Trustees of the State Employees' Retirement System and wish him the best in the future.

Issued by the Governor July 10, 1998.

Filed by the Secretary of State July 20, 1998.

98-408
THE GUARDIAN MONTH

Whereas, since 1990, "THE GUARDIAN" has been conducting presentations to schools within the Champaign district and throughout Illinois, teaching and educating students of Drug Prevention and Safety Awareness, and urging our children to stay in school and believe in themselves; and

Whereas, "THE GUARDIAN" visits elementary schools, daycare centers, hospitals, and many civic and social functions; and

Whereas, his message is further reinforced through coloring books, mini-posters and cards distributed after each presentation which is implemented with magic tricks; and

Whereas, "THE GUARDIAN" is touching the lives of children and adults throughout Illinois and across the nation on a daily basis;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1998 as THE GUARDIAN MONTH in Illinois.

Issued by the Governor July 10, 1998.

Filed by the Secretary of State July 20, 1998.

98-409
AMERICAN LEGISLATIVE EXCHANGE COUNCIL DAYS

Whereas, nearly a century ago, a small group of Democratic and Republican state legislators met in Chicago to found a membership association that would speak with a bipartisan voice for the fundamental Jeffersonian principles of limited government, federalism and free markets; and

Whereas, they named the association the American Legislative Exchange Council (ALEC); and

Whereas, August 18-22, 1998, ALEC will celebrate 25 years of service to America's state legislators as more than 3,000 members will gather in Chicago, ALEC's founding city, for five days of thought-provoking educational sessions and superior networking opportunities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 18-22, 1998, as AMERICAN LEGISLATIVE EXCHANGE COUNCIL DAYS in Illinois.

Issued by the Governor July 13, 1998.

Filed by the Secretary of State July 20, 1998.

98-410
FIGHTING BLINDNESS AWARENESS DAY

Whereas, Retinitis Pigmentosa (RP) is the largest source of internally caused blindness and deaf blindness in the world today; and

Whereas, RP is a hereditary blinding eye disease which affects over 500,000 people in the United States, at least 25,000 of whom live in Illinois; and

Whereas, to help combat Retinitis Pigmentosa and allied retinal degenerative diseases, the Foundation Fighting Blindness seeks to raise public awareness and the continued strong support of scientific research for the betterment of the hundreds of thousands of people who are afflicted by this disease;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 31, 1998, as FIGHTING BLINDNESS AWARENESS DAY in Illinois and urge all citizens to lend whatever support they can to this most important endeavor, so that one day this cruel disease will no longer threaten our precious gift of sight.

Issued by the Governor July 13, 1998.

Filed by the Secretary of State July 20, 1998.

98-411
EDITH ROGERS DAY

Whereas, Mrs. Edith Rodgers worked as an Office Administrator III for the Illinois Department of Corrections; and

Whereas, the Fugitive Apprehension Unit began her employment with the Illinois Youth Commission as a Clerk I in August 1966; and

Whereas, in February 1973, she was promoted to Clerk II with the renamed Illinois Department of Corrections. In May 1976, she was promoted to Clerk III and was later reallocated to Clerk-Typist III in August 1979; and

Whereas, while serving as Clerk-Typist III, Mrs. Rodgers transferred to the IDOC/Affirmative Action Office, where she remained until September 1980; and

Whereas, at that time, she transferred to the Fugitive Apprehension Unit and was promoted to Clerk V; and

Whereas, Mrs. Rodgers later reallocated to Office Administrator III, where she has served the unit well; and

Whereas, on April 22, 1992, Mrs. Edith Rodgers received a Certificate of Appreciation from the United States Department of Justice/ United States Marshal Services for outstanding assistance during Operation Gunsmoke, and she received the Employee of the Month award from the Illinois Department of Corrections in May 1994; and

Whereas, Mrs. Rodgers is the mother of three children, Wiley (deceased), Edwana, and Letitia, and the grandmother of eight; and

Whereas, she is presently a member of a bowling league and has been the league's treasurer for the past 15 years. She also has a passion for traveling; and

Whereas, Edith Rodgers will retire from the State of Illinois on July 17, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 17, 1998, as EDITH RODGERS DAY in Illinois.

Issued by the Governor July 14, 1998.

Filed by the Secretary of State July 20, 1998.

98-412
TOM FAULKNER DAY

Whereas, Tom Faulkner worked on early childhood programs for the State of Illinois for the past eight years; and

Whereas, Mr. Faulkner contributed immensely to the success of programs impacting children and families through his tireless dedication; and

Whereas, Mr. Faulkner was a major force in Illinois' development of a new system of child adoption through "Project Heart"; and

Whereas, Mr. Faulkner helped create the "Project Success" program to help all children come to school ready to learn; and

Whereas, Mr. Faulkner created the "Help Me Grow" program to provide child safety seats, prenatal care, and family support programs for children and families throughout the state and became a model for other states; and

Whereas, Mr. Faulkner established the "Help Me Grow" Hotline to provide easy access to information parents need for their children; and

Whereas, Mr. Faulkner created the "Center for Women's Health" at the Illinois Department of Public Health to provide research, awareness, and advocacy for resources to improve women's health services throughout the state; and

Whereas, Mr. Faulkner developed partnerships with Ronald McDonald Children's Charities, Catholic Charities, and Dominick's Foods, to develop "Mommas, Babies, and Good Stuff" to know for new parents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1, 1998, as TOM FAULKNER DAY in Illinois, on behalf of his co-workers and all those who have been impacted by Tom's work.

Issued by the Governor July 14, 1998.

Filed by the Secretary of State July 20, 1998.

98-413
YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK

Whereas, youth suicide is one of the most disruptive and tragic events a family and a community can experience and is occurring at a national rate of over 5,000 youth suicides annually. Suicide is the "fastest growing killer of youth today"; and

Whereas, suicide kills youth three to six times more than homicide, and research shows that 95 percent of all youth suicides are preventable; and

Whereas, the issue of youth suicide and how to prevent it is of extreme importance and must be recognized as an immediate need for awareness and prevention; and

Whereas, statistics show that awareness, education and action do save lives. Community awareness will encourage development of strategies to prevent youth suicides; and

Whereas, the Yellow Ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of youth suicide. It is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers/hospitals, counselors, teachers, parents and especially youth themselves;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20-26, 1998, as YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK in Illinois.

Issued by the Governor July 14, 1998.
Filed by the Secretary of State July 20, 1998.

98-414
BREASTFEEDING PROMOTION MONTH

Whereas, during the month of August, the Illinois Department of Human Services, in conjunction with regional breastfeeding task forces, public and private organizations, and physicians and hospitals throughout Illinois, will promote the importance of breastfeeding; and

Whereas, this observance reminds Illinoisans that breastfeeding is nutritionally the best choice for infant feedings; and

Whereas, one of the U.S. Surgeons General's Year 2000 health promotion/disease prevention objectives for the nation is to increase the percentage of women who breastfeed their babies at birth to 75 percent, and to increase the number of mothers who have continued breastfeeding five to six months later to 50 percent; and

Whereas, only 36.9 percent of Illinois mothers choose to breastfeed their infants at birth and only 19.1 percent of Illinois mothers continue breastfeeding five to six months later -- percentages well below the national averages and the U.S. Surgeon General's breastfeeding objectives for the nation; and

Whereas, increased evidence links education, determination and support to the success of breastfeeding;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1998 as BREASTFEEDING PROMOTION MONTH in Illinois.

Issued by the Governor July 15, 1998.
Filed by the Secretary of State July 20, 1998.

98-415
PRINCE HALL MASONIC FAMILY WEEK

Whereas, the 2nd Annual Unification of the Prince Hall Masonic Family will convene under the direction of Most Worshipful Brother, Wille B. Evans, Sr. 33-B0 Grand Master of Prince Hall Masons State of Illinois and its Jurisdiction; and

Whereas, the officers and members of the Prince Hall Masonic Family, namely Maple Spearmon WGM, William Norman WGP, Andrea Bean MAGM, Wilie P. Davis MWGJ, Charles M. Jones, Jr. GITM, Rachel M. Carter RGPM, Raymond T. Tucker MEGHP, Arthur Parrot REGC, and Norma Reid MNGPC, strive to strengthen the ties of friendship, promote the prosperity of its Order, protect its unity, integrity, and strength by maintaining the truest fraternal spirit, and promote the charity and benevolence throughout the community lending a helping hand to others; and

Whereas, the above aforementioned will convene and preside over their Annual Convocation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 31-August 6, 1998, as PRINCE HALL MASONIC FAMILY WEEK in Illinois.

Issued by the Governor July 15, 1998.
Filed by the Secretary of State July 20, 1998.

98-416
CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of our students currently enrolled in schools suffer from learning delays, and these learning delays impair the progress of students throughout their educational careers and further impair their abilities to become employed gainfully; and

WHEREAS, the Michael Allen LeGrand Memorial Scholarship & Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States; and

WHEREAS, the Michael Allen LeGrand Memorial Scholarship & Neuroscience Research Foundation has committed fund raising activities to the State of Illinois in the form of scholarships to attend community colleges, research into treatments for learning delays and the sponsorship of professional development opportunities for those educating the learning delayed within the State of Illinois; and

WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate "Change the World of a Child Week" in acknowledging and awarding the efforts of learning delayed children and adults with in the state;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor July 15, 1998.
Filed by the Secretary of State July 27, 1998.

98-417
MRS. HELEN JAMES SCHWARTEN DAY

WHEREAS, Mrs. Helen James Schwarten, a proud American of Assyrian ancestry, organized and has been the President of the Assyrian Universal Alliance Foundation, located at 7055 North Clark Street in Chicago, Illinois, that has served the local and Assyrian community for over 20 years; and

WHEREAS, Mrs. Schwarten has instituted several community service programs, including home care programs, literacy classes, refugee and immigrant adjustment services and youth programs; and

WHEREAS, Mrs. Schwarten has established the Perpetual Scholarship in honor of loved ones and to encourage other dedicated individuals to establish Memorial Scholarships in memory of their loved ones; and

WHEREAS, the scholarship program Mrs. Schwarten originated 20 years ago has awarded over 1,000 scholarships, amounting in more than $500,000; and

WHEREAS, it is an honor to recognize Mrs. Schwarten for her contributions, promotion and advancement of the Assyrian Universal Alliance Foundation scholarship program which has resulted in high schools seniors being able to go to college; and

WHEREAS, Mrs. Helen James Schwarten is to be commended for her dedication, devotion and preservation of the American way of life and the Assyrian culture;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim July 19, 1998, as MRS. HELEN JAMES SCHWARTEN DAY in Illinois.

Issued by the Governor July 15, 1998.
Filed by the Secretary of State July 27, 1998.

98-418
VOLUNTEER AND AUXILIARY SERVICES DAY

WHEREAS, the American Society of Directors of Volunteer Services (ASDVS) of the American Hospital Association (AHA) will be holding its 30th Annual Meeting and Leadership Training Conference from August 30-September 2; and

WHEREAS, this conference is being held in collaboration with the American Hospital Association's Auxilians/Volunteers Convention; and

WHEREAS, there are three very important celebrations thus year: AHA is 100 years old, the Committee on Volunteers is 50 years and ASDVS is 30 years old; and

WHEREAS, ASDVS is the only professional organization in the nation directed solely to the interests and needs of directors and administrators of volunteer services in health care; and

WHEREAS, ASDVS has an international membership of nearly 1,500; and

WHEREAS, the Committee on Volunteers (COV) of AHA is its governing body responsible for preserving and growing health care volunteerism in America;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim August 30, 1998, as VOLUNTEER AND AUXILIARY SERVICES DAY in Illinois.

Issued by the Governor July 17, 1998.

Filed by the Secretary of State July 27, 1998.

98-419
WELCOME WAGON WEEK

WHEREAS, Welcome Wagon celebrates its 70th anniversary in July 1998; and

WHEREAS, Welcome Wagon is the original in-home greeting service that helps families adjust to new communities in Illinois and across the country; and

WHEREAS, Welcome Wagon encourages neighborhood involvement, strength and pride; and

WHEREAS, Welcome Wagon promotes good will, helpfulness and a solid sense of community among our new and long- standing residents by extending the warm hand of hospitality to new movers, newly engaged couples, new parents, and new citizens;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim the week of July 27, 1998, as WELCOME WAGON WEEK in Illinois.

Issued by the Governor July 17, 1998.

Filed by the Secretary of State July 27, 1998.

98-420
ADA: PROMOTING INDEPENDENCE DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the state has and continues to increase opportunities for Illinois citizens with disabilities who want full inclusion in employment, transportation, education, communication and the community; and

WHEREAS, the ADA guarantees individuals with disabilities their civil rights and was signed into law eight years ago this month; and

WHEREAS, during the past eight years, the state has promoted equal opportunity and self-sufficiency of people with disabilities as full participants in our society resulting from the ADA; and

WHEREAS, Illinois continues to be a leader in promoting independence by

implementing civil rights legislation such as the ADA; and

WHEREAS, our citizens must continue to become aware and learn about the needs of people with disabilities and the accessibility laws to ensure barrier-free environments exist in Illinois;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim July 23, 1998, as ADA: PROMOTING INDEPENDENCE DAY in Illinois.

Issued by the Governor July 21, 1998.

Filed by the Secretary of State July 27, 1998.

98-421
DORIS AND JOE MERRILL DAY

WHEREAS, Doris Jean Thompson and Joe Nathon Merrill were married on October 19, 1948, in San Antonio, Texas; and

WHEREAS, to this long union, three children were born, which has resulted in seven grandchildren and 13 great grand children; and

WHEREAS, Doris Merrill, a Chicago school teacher for many years, retired in 1987. She has been a resident of Chicago for over 65 years; and

WHEREAS, Joe Merrill, who retired as a postal worker in 1983, also served in the U.S. Air Force from 1946-1952. He has been a resident of Chicago for 46 years; and

WHEREAS, they will be celebrating their 50th Anniversary on October 24, 1998, with family and friends at the Martinique Restaurant;

THEREFORE, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1998, as DORIS AND JOE MERRILL DAY in Illinois, and congratulate them on 50 years of happy marriage and dedication to one another.

Issued by the Governor July 21, 1998.

Filed by the Secretary of State July 27, 1998.

98-422
AMERICAN ROMANIAN ORTHODOX YOUTH DAYS

Whereas, the 49th Annual National Conference of the American Romanian Orthodox Youth (AROY) will be held August 20-23, 1998, in Chicago, Illinois; and

Whereas, the National Conference will be jointly hosted by local chapters "Chi-ROY" of St. Mary's Romanian Orthodox Church and "Holy Nativity-AROY" of Holy Nativity Church, both parishes are located on Chicago's North/Northwest side; and

Whereas, the National AROY and its subordinate chapters are an auxiliary of and under the canonical, spiritual and administrative jurisdiction of the Romanian Orthodox Episcopate of America, headquartered in Jackson, Michigan; and

Whereas, through the years, the American Romanian Orthodox Youth, has contributed financially to numerous new and on-going projects, including underwriting substantial costs, since the early 1950's, of two Summer Religious Education Camps each year for the young people of their parishes throughout the United States and Canada; and

Whereas, the American Romanian Orthodox Youth is to be commended for charitable work and for promoting the rich Romanian heritage and culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 20-23, 1998, as AMERICAN ROMANIAN ORTHODOX YOUTH DAYS in Illinois.

Issued by the Governor July 22, 1998.
Filed by the Secretary of State July 27, 1998.

98-423
BOND COUNTY FAIR DAY

Whereas, the Bond County Fair Association is celebrating it's 50th Anniversary on July 28, 1998; and

Whereas, the Bond County Fair Association would like to pay tribute to those who have played an integral part in helping make the Bond County Fair the success that it has become; and

Whereas, the Bond County Fair Association is hosting Celebration Day on July 28, 1998, for all to join in recognizing the efforts and ingenuity of those involved with the establishment and continuance of the fair;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 28, 1998, as BOND COUNTY FAIR DAY in Illinois.

Issued by the Governor July 22, 1998.
Filed by the Secretary of State July 27, 1998.

98-424
ELLSWORTH BROWN DAY

Whereas, at the age of 84, Mr. Ellsworth Brown has served the Minnesota Twins Major League Baseball team for 50 years; and

Whereas, in his youth, Ellsworth played minor league baseball; and

Whereas, he shared 64 and one-half years with his wife, Mabel; and

Whereas, Ellsworth, of Beason, Illinois, has traveled extensively in pursuit of baseball talent; and

Whereas, the Twin City Stars of the Central Illinois Collegiate League and the communities of Bloomington and Normal will recognize Ellsworth's 50 years of dedicated service to baseball on Saturday, July 18, 1998;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 18, 1998, ELLSWORTH BROWN DAY in Illinois and congratulate him on his success and longevity.

Issued by the Governor July 22, 1998.
Filed by the Secretary of State July 27, 1998.

98-425
PARENTS DAY

Whereas, the National Parents' Day Foundation was established to provide education, conduct forums and publish literature designed to build up the traditional two-parent family; and

Whereas, the Foundation also gives special recognition to exemplary people who through their sacrificial lives set an example of parenting worthy of emulation by others; and

Whereas, parents are daily caretakers and lifelong role models that guide us and share the values and lessons that enable us to grow and flourish; and

Whereas, it is vital to support today's parents, to honor those who have taught us so much, and to impress upon young people the tremendous responsibility of parents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July

26, 1998, as PARENTS DAY in Illinois.

98-426
CHILDREN'S FILM WEEK

Whereas, the 15th annual Chicago International Children's Film Festival (CICFF), will run from October 15- 25, 1998; and

Whereas, during the past 15 years, the Festival has become the foremost festival of children's films in the United States, involving both adult and children juries; and

Whereas, Facets Multimedia, a not-for-profit film and theater organization, has presented the Festival since its inception and has provided Chicago-area children with innovative and inspiring arts programs since 1975; and

Whereas, the Chicago International Children's Film Festival and other children's programs have received support from the American Airlines, Cellular One, Chicago Parent Magazine, Children's Care Foundation, City of Chicago-Department of Cultural Affairs, The Days Inn-Lincoln Park, Gaylord and Dorothy Donnelley Foundation, Lloyd A. Fry Foundation, GATX Corporation, The Harris Foundation, Heller Financial, Illinois Arts Council, The Mayer and Morris Kaplan Family Foundation, The John D. and Catherine T. MacArthur Foundation, Foundation, Fel-Pro Mecklenburger Foundation, Midwest Graphic Consultants, Inc., Kenneth F. and Harle G. Montgomery Foundation, National Endowment for the Arts, Albert Pick Jr. Fund, Polk Bros. Foundation, Sara Lee Foundation, Seabury Foundation, 3M, William Wood Skinner Foundation, Whole Foods Market, WLS-TV, WLS-AM Radio and WPWR-TV Channel 50 Foundation; and

Whereas, receiving over 350 entries from more than 30 countries, the Chicago International Children's Film Festival invites over 100 celebrities and filmmakers from around the globe to the Festival each year. Many of these honored guests, as part of the Festival, will lead workshops for the children which range from question and answer sessions, to hands-on workshops where the children learn about an aspect of filmmaking or animation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 15-25, 1998, as CHILDREN'S FILM WEEK in Illinois.

Issued by the Governor July 23, 1998.
Filed by the Secretary of State August 3, 1998.

98-427
HAROLD ALBERT "AL" SHERLINE DAY

Whereas, Harold Albert "AL" Sherline was born on July 7, 1925, and raised in the suburbs of Washington D.C.; and

Whereas, Mr. Sherline was educated in the Maryland area at Bethesda Chevy Chase High School and in 1952 graduated from the University of Maryland; and

Whereas, Mr. Sherline served in the United States Marine Corps in World War II, including 30 months in the Pacific; and

Whereas, "AL" Sherline is the proud father of three children and three grandchildren; and

Whereas, Mr. Sherline has been the Director of the Mattoon Area Adult Education Center for the past 31 years; and

Whereas, on August 10, 1998, Harold Albert "AL" Sherline will retire after many years of hard work, service and dedication to the Mattoon area;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August

10, 1998, as HAROLD ALBERT "AL" SHERLINE DAY in Illinois.
Issued by the Governor July 23, 1998.
Filed by the Secretary of State August 3, 1998.

98-428
MARY I. FOSTER DAY

Whereas, Mary Izona Foster was born on July 13, 1898; and
Whereas, she grew up in Clarksville, Missouri, and later moved to Springfield, Illinois, after marrying her first husband; and
Whereas, Mrs. Foster was married to Russel "Speedy" Davis, who passed away in 1953, and later married Earl Foster in 1963. He passed away in 1978; and
Whereas, she has three daughters, Frances, Ruth, and Ruby; and
Whereas, Mrs. Foster has been a member of the Grace United Methodist Church for some 75 years; and
Whereas, she has served on the Stewardess Board, the Ladies Aide Society, and in the choir of the Grace United Methodist Church; and
Whereas, Mrs. Foster worked for Sangamo Electric for many years until retirement; and
Whereas, Mrs. Foster has lived in Springfield, Illinois, for more than 80 years; and
Whereas, Mrs. Mary I. Foster celebrated her 100th Birthday on July 13, 1998; and
Whereas, Mrs. Foster will be the guest of honor at a Birthday Party held by her family and friends on August 1, 1998;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1, 1998, as MRS. MARY I. FOSTER DAY in Illinois, in honor of her 100th Birthday.
Issued by the Governor July 23, 1998.
Filed by the Secretary of State August 3, 1998.

98-429
REVEREND DR. MICHAEL D. CURRY DAYS

Whereas, Michael Dennis Curry, born May 27, 1950, to Manuel and Geneva Curry, accepted his call to ministry in 1975 under the leadership of Rev. Dr. Ronald J. Fowler, then Pastor of the Robert Street Church of God in Akron, Ohio; and
Whereas, in June 1983, Pastor Curry accepted the call to pastor the First Church of God in Evanston, Illinois. There, he, his wife, Carol, and daughter, Shanna, moved to experience various forms of church, family, personal, and spiritual growth. In 1988, a second child, Michael David "Mikie" was added to the Curry family; and
Whereas, "Brother Mike" earned a Bachelor of Arts Degree in Theology and Family Marriage Relations from Anderson College in Anderson, Indiana. He earned a Master of Arts Degree in Religion, with emphasis on Pastoral Ministry, from Anderson School of Theology. In 1978, he was inducted into the "Who's Who Among Students in American Universities and Colleges"; and
Whereas, Immediate past President of the Executive Council of the National Association of the Church of God, Pastor Curry currently serves as General Secretary. He also serves as Treasurer of the Food Aid Center of Evanston, which provides food to 1,200 to 1,500 families each month; and

Whereas, he is also a board member of the Evanston Substance Abuse Council, the North Shore Unity Task Force, Hospice of the North Shore, as well as being involved in various other capacities in the religious and secular life of the community; and
Whereas, in January 1985, "Brother Mike" was inducted into "Who's Who Among Religion in America" and was bestowed an Honorary Doctor of Divinity Degree from the Southern California School of Ministry. He is currently the Urban Ministries Director-Elect for the International Church of God; and
Whereas, on August 28-30, the First Church of God Christian Life Center family will celebrate the 15th Anniversary as their pastor, Rev. Dr. Michael D. Curry;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 28-30, 1998, as REVEREND DR. MICHAEL D. CURRY DAYS in Illinois.
Issued by the Governor July 23, 1998.
Filed by the Secretary of State August 3, 1998.

98-430
DRUG-FREE YOUTH DAYS

Whereas, the Illinois Drug Education Alliance (IDEA) is presenting its 16th Annual Drug Prevention Conference, "TEAM UP TO BE DRUG FREE," on November 22-23 in Springfield; and
Whereas, the Illinois Drug Education Alliance feels strongly - "It is better to build children than to repair men and women;" and
Whereas, the Illinois Drug Education Alliance believes prevention offers individuals and communities an opportunity to stop alcohol, tobacco, and other drug problems before they start and provides hope effecting individual and community change to support healthy behaviors; and
Whereas, more than 1,100 Illinois young people, dedicated to the "Drug-Free" lifestyle, will participate in two days of drug prevention education and leadership training. These young people will carry the "Drug-Free" message back to their schools and communities and become role-models to their peers; and
Whereas, educators, parents, volunteers, and other adults will attend and participate in the 16th Annual Illinois Drug Education Alliance Conference. These adults will train, encourage, and support young people in their choice of the "Drug-Free" lifestyle; and
Whereas, the Illinois Drug Education Alliance stands firmly with its supporting agencies--Office of the Governor, Office of the Lieutenant Governor, Office of the Attorney General, Office of the Secretary of State, Office of the State Treasurer, Illinois Department of Human Services--Division of Community Health and Prevention, Illinois Department of Transportation--Division of Traffic Safety, Illinois State Board of Education, Illinois National Guard, U.S. Drug Enforcement Administration, U.S. Customs Service, University of Illinois Cooperative Extension Service, Operation Snowball, Inc., Students Against Destructive Decisions, Illinois Elks Association and Alliance Against Intoxicated Motorists--and with the many other state and national organizations that encourage the promotion of sound drug prevention programs;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22-23, 1998, as DRUG-FREE YOUTH DAYS in Illinois in recognition of the Illinois Drug Education Alliance and its supporting agencies in bringing a

"Drug-Free" message to the youth of our state.
Issued by the Governor July 27, 1998.
Filed by the Secretary of State August 3, 1998.

98-431
DOMESTIC VIOLENCE AWARENESS MONTH

Whereas, domestic violence is a devastating problem affecting persons of all economic, racial, and social backgrounds with both immediate and long-lasting effects on victims and their children and on society as a whole; and

Whereas, the State of Illinois recognizes that in addition to imposing sanctions on abusers, we must also meet the needs of battered women and their children who often suffer grave financial, physical, and psychological losses; and

Whereas, the Illinois Department of Human Services provides nearly $10 million to 152 domestic violence programs providing services such as shelter, information and referral, advocacy, crisis hotline, counseling, and transportation to more than 45,000 victims of domestic violence and their children in the state; and

Whereas, Illinois laws have been revised and expanded to increase protection for victims of domestic violence, including strengthening orders of protection and expanding police powers in abuse situations; and

Whereas, stalking and aggravated stalking are now criminal offenses that offer victims of domestic violence greater protection from perpetrators; and

Whereas, we need to continue our best efforts to eliminate domestic violence;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1998 as DOMESTIC VIOLENCE AWARENESS MONTH in Illinois, and urge citizens to work toward the elimination of domestic violence to ensure that people can feel safe, living without fear in their homes and everyday surroundings.

Issued by the Governor July 28, 1998.
Filed by the Secretary of State August 3, 1998.

98-432
FRESH VEGETABLE MONTH

Whereas, Illinois' climate and fertile soil help to make our state a world leader in agricultural production; and

Whereas, a valuable segment of our state's agricultural economy is vegetable production; and

Whereas, the consumption of fresh vegetables is important to good health; and

Whereas, the majority of the state's grown produce is harvested during the month of August;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1998 as FRESH VEGETABLE MONTH in Illinois.

Issued by the Governor July 28, 1998.
Filed by the Secretary of State August 3, 1998.

98-433
RONALD J. GIDWITZ DAY

Whereas, Mr. Ronald J. Gidwitz has served in numerous capacities, including sales, manufacturing, and administration with Helene Curtis Business Unit of Unilever HPC USA since 1968, serving as the president of Helene Curtis since 1979, and as chief executive officer since 1985; and

Whereas, his tenure at the helm of Helene Curtis has seen record revenues, including annual growth revenues at nearly 18 percent for the past five years; and

Whereas, Mr. Gidwitz has excelled in the business community, being recognized as the Executive of the Year in 1998 by Crain's Chicago Business and currently serving as the director of the American National Can Company and the Continental Materials Corporation; and

Whereas, Mr. Gidwitz demonstrates dedicated public and community service by serving as the chairman of the board for both the City Colleges of Chicago and the Chicagoland Chamber of Commerce, and serving on various boards of directors and trustees, including the Latin School of Chicago, the Rush-Presbyterian-St. Luke's Medical Center, the Field Museum, the Museum of Science and Industry, the Lyric Opera of Chicago, and the U.S. Chamber of Commerce, and also serves a vice chairman and governor for the Boys and Girls Clubs of America; and

Whereas, he has actively immersed himself into the political arena, heading campaign committees for various state and local candidates, and as the 43rd Ward Republican committeeman; and

Whereas, he and his wife, Christina, are the parents of two sons, Alexander and Scott; and

Whereas, after 30 years of impressive and dedicated service, he is leaving Helene Curtis/Unilever HPC USA to pursue other professional opportunities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 29, 1998, as RONALD J. GIDWITZ DAY in Illinois.

Issued by the Governor July 28, 1998.
Filed by the Secretary of State August 3, 1998.

98-434
IAHCE WEEK

Whereas, the Illinois Association for Home and Community Education represents 21,115 members in Illinois and has provided educational opportunities in Illinois for 74 years; and

Whereas, the Association's 1998-99 theme is "Families Move into the 21st Century;" and

Whereas, the purpose of the Illinois Association for Home and Community Education is to improve the quality of families through education; and

Whereas, the Illinois Association for Home and Community Education has developed many leaders and volunteers in our communities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 11-18, 1998, as IAHCE WEEK in Illinois.

Issued by the Governor July 29, 1998.
Filed by the Secretary of State August 3, 1998.

Rules acted upon during the period from August 7 (Issue 32, 1998) through October 9, 1998 (Issue 41) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@ccgate.sos.state.il.us (Internet address).

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